

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida City
Gas

DOCKET NO. 20170179-GU
ORDER NO. PSC-2018-0048-PCO-GU
ISSUED: January 22, 2018

ORDER GRANTING INTERVENTION

Florida City Gas (FCG) operates as a natural gas utility that serves approximately 108,000 customers in the southeastern portions of Florida, including Miami-Dade, Broward, Palm Beach, Brevard, Indian River, St. Lucie, Martin, and Hendry counties. FCG filed its Minimum Filing Requirements (MFRs) requesting an increase in base rates on October 23, 2017. By Order No. PSC-2017-0427-PCO-GU, issued on November 7, 2017, this docket was scheduled for hearing from March 26-30, 2018.

Petition for Intervention

By petition dated January 5, 2018, Federal Executive Agencies (FEA) requested permission to intervene in this proceeding. FEA states that it consists of certain agencies of the United States Government which have offices, facilities, and/or installations in the service area of FCG and purchases utility services from FCG. FEA asserts that utility costs represent one of the largest variable expenses of operating its offices, facilities, and installations, and any decision affecting the rates of those services will significantly affect its interests; therefore, it has a substantial interest in the docket. There has been no response filed in opposition to this request, and the time for doing so has expired.

Standards for Intervention

Pursuant to Uniform Rule 28-106.205, F.A.C.,

Persons other than the original parties to a pending proceeding whose substantial interest will be affected by the proceeding and who desire to become parties may move the presiding officer for leave to intervene. Except for good cause shown, motions for leave to intervene must be filed at least 20 days before the final hearing unless otherwise provided by law. The parties may, within 7 days of service of the motion, file a response in opposition. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

To have standing and to show its substantial interests are affected under Chapter 120, F.S., the intervenor must meet the two-prong standing test set forth in Agrico Chemical Company v. Department of Environmental Regulation, 406 So. 2d 478, 482 (Fla. 2nd DCA 1981). The intervenor must show that (1) he will suffer injury in fact which is of sufficient immediacy to entitle him to a Section 120.57, F.S., hearing, and (2) the substantial injury is of a type or nature that the proceeding is designed to protect. The first prong of the test addresses the

degree of injury. The second addresses the nature of the injury. The “injury in fact” must be both real and immediate and not speculative or conjectural.

Analysis & Ruling

It appears that FEA meets the two-prong standing test in Agrico. The agencies represented by FEA are customers of FCG having federal offices, facilities, and/or installations in the FCG service territory. As a matter of law, because FEA is a customer of FCG, it meets both prongs of Agrico and its interests may be substantially affected by this proceeding. Accordingly, the petition for intervention shall be granted as set forth herein. FEA takes the case as it finds it.

Therefore, it is

ORDERED by Commissioner Donald J. Polmann, as Prehearing Officer, that the Petition to Intervene filed by Federal Executive Agencies is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

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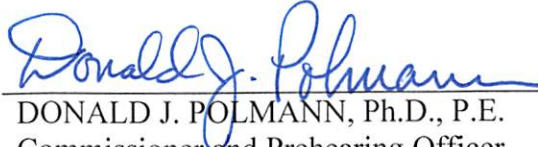
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By ORDER of Commissioner Donald J. Polmann, as Prehearing Officer, this 22nd day
of January, 2018.



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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

WLT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.