

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition to resolve territorial dispute in )  
Sumter County and/or Lake County with )  
City of Leesburg and/or South Sumter Gas )  
Company, LLC, by Peoples Gas System )  
\_\_\_\_\_ )

Docket No. 20180055-GU

**CITY OF LEESBURG’S RESPONSE IN OPPOSITION TO MOTION TO EXPEDITE**

The City of Leesburg (“The City”), by and through its undersigned counsel, files this response in opposition to the Motion to Expedite filed on March 29, 2018 by Peoples Gas System (“PGS”) in the above-styled matter.

1. PGS asks the Commission “to expedite the resolution of the territorial dispute” that PGS alleges exists between the parties.

2. The Petition asks the Commission to determine the “rights of each to serve customers in Sumter County, included those areas included in The Villages.” See Paragraph 16 of the PGS Petition. Sumter County has a total area of 580 square miles according to the U.S. Census Bureau. This Commission has previously refrained from deciding alleged territorial disputes, even when two service providers had utility assets that were comingled. See *In re: Petition to resolve territorial dispute with Gulf Coast Electric Cooperative, Inc. by Gulf Power*, Order No. PSC-98-0174-FOF-EU (January 28, 1998), *affirmed on appeal*, *Gulf Coast Electric Cooperative v. Johnson*, 727 So.2d 259 (Fla. 1999). In that case involving two regulated electric companies, the Commission provided the parties with more than a year to prepare for the initial contested hearing. (Original Petition filed on September 8, 1993; hearing held on October 19 and 20, 1994). See Order No. PSC-98-0174-FOF-EU. The Commission also visited fifteen different sites to understand the details of the matter and the areas in which the respective utilities had comingled facilities. *Id.* at p. 2.

Ultimately, on January 28, 1998, the Commission decided not to apportion the southern areas of Bay and Washington counties among two electric utilities, Gulf Coast Electric Cooperative, Inc. and Gulf Power Company.

Here, this Petition asks the Commission to draw lines on the ground in Sumter County, including the future developments of The Villages. The future development associated with the Villages in and of itself is detailed, involved and complex, and not something that can be fleshed out and understood in a compressed time period. When the rest of Sumter County is put at issue, as Petitioner attempts to do, more facts, variables, growth patterns and other detailed factual matters would need time to be developed, understood and presented to the Commission. Thus, expediting the case, should it not be dismissed, would likely be burdensome and unworkable.

3. PGS's motion cites no legal basis and lacks specificity as to exactly what is being sought. The motion cites no statute, rule, case or any legal authority supporting the request. Nor does the motion suggest any time frame or suggested dates for a hearing, something that is often arrived at informally through discussions with parties and staff.

4. The PGS Petition should be dismissed, not expedited. The PGS Petition is deficient as a matter of law, and should be dismissed for the reasons set forth in the Motion to Dismiss filed by the City on April 2, 2018 and the Motion to Dismiss filed by South Sumter Gas Company, LLC on April 2, 2018. The Commission should consider these potentially case-dispositive motions before scheduling hearing dates in the matter, and surely not expedite the matter, as the potential issues to be litigated remain unsettled based on discussions between staff and the parties at the initial informal staff meeting held on April 4, 2018.

For the foregoing reasons, the City respectfully asks the Commission to deny the pending PGS Motion to Expedite.

Respectfully submitted this 5th day of April, 2018.

/s/ Jon C. Moyle  
Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850)681-3828  
Facsimile: (850)681-8788  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

Attorneys for City of Leesburg

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished to the following by Electronic Mail, on this 5th day of April, 2018:

Andrew M. Brown, Esquire  
Ansley Watson, Jr., Esquire  
Macfarlane Ferguson & McMullen  
P. O. Box 1531  
Tampa, Florida 33601-1531  
(813) 273-4209  
(813) 695-5900  
[ab@macfar.com](mailto:ab@macfar.com)  
[aw@macfar.com](mailto:aw@macfar.com)

Kandi M. Floyd  
Manager-State Regulatory  
Peoples Gas System  
P. O. Box 111  
Tampa, Florida 33601-0111  
(813) 228-4668  
[kfloyd@tecoenergy.com](mailto:kfloyd@tecoenergy.com)

Jack Rogers  
City of Leesburg  
306 S. 6<sup>th</sup> Street  
Leesburg, Florida 34748  
[Jack.roger@leesburgflorida.gov](mailto:Jack.roger@leesburgflorida.gov)

Floyd Self, Esquire  
Berger Singerman  
Counsel for South Sumter Gas Company, LLC  
313 N. Monroe St. Ste 301  
Tallahassee, FL 32301-7643  
[fself@bergersingerman.com](mailto:fself@bergersingerman.com)

John L. Wharton  
215 S. Monroe Street, Ste. 815  
Tallahassee, FL 32301  
[jwharton@deanmead.com](mailto:jwharton@deanmead.com)

Paula K. Brown  
Regulatory Affairs  
Peoples Gas System  
P. O. Box 111  
Tampa, Florida 33601-0111  
(813) 228-4111  
[regdept@tecoenergy.com](mailto:regdept@tecoenergy.com)

/s/ Jon C. Moyle