

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for issuance of an order to the)
City of Leesburg and South Sumter Gas)
Company, LLC, to show cause why they)
should not be regulated by the Commission)
as a public utility as defined in Section)
366.02(1), Florida Statutes, etc.)
_____)

Docket No. 20180085-GU

CITY OF LEESBURG’S PETITION TO INTERVENE

Pursuant to sections 120.569, 120.57, Florida Statutes, and rule 106.205, Florida Administrative Code, the City of Leesburg (“City”), by and through its undersigned counsel, files its Petition to Intervene. The Petition to Intervene is filed should the Commission grant Peoples Gas System (“PGS”) the alternative relief it seeks, namely, the declaratory statement relief. In support thereof, the City states the following:

1. Name and address of agency. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. Name and address of Petitioner. The name and address of the Petitioner is:

City of Leesburg
c/o Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 681-3828
Facsimile: (850) 681-8788

3. Petitioner’s representatives. Copies of all pleadings, notices and orders in this docket should be provided to:

Jon C. Moyle, Jr.
Karen A. Putnal
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Tallahassee, Florida 32301
Telephone: (850) 681-3828

Facsimile: (850) 681-8788
jmoyle@moylelaw.com
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A copy of all pleadings, notices and orders in this docket should be provided to:

Jack Rogers
Gas Director
City of Leesburg
306 S. 6th Street
Leesburg, Florida 34748
jack.rogers@leesburgflorida.gov

4. Notice of docket. The City received notice of this docket by e-mail from counsel for PGS.

5. Statement of Substantial Interests. The Petitioner has filed a declaratory statement request which asks this Commission to review and issue a declaratory statement about a contractual agreement executed by the City and a third party, South Sumter Gas Company, LLC (“SSG”), and to provide PSG with direction as to which party to negotiate the possible resolution of an alleged territorial dispute that is the subject of docket number 20180055-GU. Given that the contract at issue involves the City, that implicit in the PGS request is for the Commission to issue certain declarations about the City’s contract, and the query about with whom to negotiate relates to a pending case in which the City is a party, the City’s substantial interests are affected. Thus, the City’s interests are of the type that this proceeding is designed to protect. *See Agrico Chemical Company v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2nd DCA 1981).

8. Disputed Issues of Material Fact.

a. Are PGS’ substantial interests affected by the contractual agreement between the City and SSG?

9. Disputed Legal Issues. Disputed legal issues include, but are not limited to, the following:

- a. Does Rule 28-105.001, F.A.C., preclude the Commission from issuing a declaratory statement?

10. Statement of Ultimate Facts Alleged. Ultimate facts include, but are not limited to, the following:

- a. Rule 28-105.001, F.A.C., precludes the Commission from issuing a declaratory statement about the business conduct and dealing of other parties.

11. Rules and statutes justifying relief. The rules and statutes that entitle the City to intervene and participate in this case include, but are not limited to:

- a. Section 120.565, Florida Statutes;
- b. Rule 28-105.001, Florida Administrative Code;
- c. Rule 28-106.201, Florida Administrative Code;
- d. Rule 28-106.205, Florida Administrative Code.

12. Relief. The City requests that it be permitted to intervene as a full party in this docket.

13. Position of PGS. The undersigned is authorized to represent that PGS does not object to the City's Petition to Intervene, should the Commission grant PGS's alternative relief related to a declaratory statement.

WHEREFORE, the City requests that the Commission enter an order allowing it to intervene and participate as a full party in this docket.

/s/ Jon C. Moyle
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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 26th day of April, 2018:

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