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Public Service Commission

January 25, 2010

Henry N. Gillman
Assistant County Attorney
Miami-Dade County Attorney's Office
111 NW First Street, Suite 2810
Miami, FL 33128

STAFF DATA REQUEST NO. 1

Re: Docket No. 090539-GU - Petition for approval of Special Gas Transportation Service agreement with Florida City Gas by Miami-Dade County through Miami-Dade Water and Sewer Department.

Dear Mr. Gillman:

By this letter, the Commission staff requests that Miami-Dade Water and Sewer Department (MDWASD) provide responses to the following data requests.

1. MDWASD has indicated that if the contract is not approved, it may bypass the Florida City Gas (FCG) system completely. Please discuss in detail and provide costs of all actions necessary to implement such a bypass option.
2. Has MDWASD informed FCG of any bypass options the Company may elect to use? If so, please provide any data provided to FCG supporting that option.
3. Under which rate schedule is FCG currently billing MDWASD?
4. What is the difference, on an annual basis, between MDWASD's current bill under the tariffed rate, and what MDWASD would pay under the proposed contract?
5. Is MDWASD current on its bills received from FCG? Please provide a detailed discussion.
6. Has MDWASD escrowed any portion of the payments for services rendered from FCG? Please provide a detailed discussion and documented support of any monies escrowed as a result of the pending dispute with FCG.
7. Please discuss and provide detailed calculations of refund claims MDWASD is seeking from FCG.

DOCUMENT NUMBER - DATE
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January 25, 2010

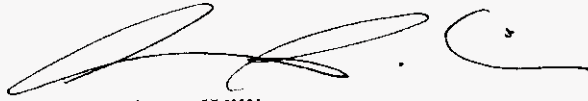
For the following question nos. 8-14, "1998 Agreement" refers to Exhibit A to MDWASD's Petition, "2008 Amendment" refers to Exhibit D to MDWASD's Petition, and "2008 Agreement" refers to Exhibit C to MDWASD's Petition.

8. Please explain why the Commission has authority to approve the 2008 Agreement, given the provisions included in Paragraph 1 of the 2008 Amendment and Article I, Paragraph 1 of the 2008 Agreement.
9. Given specific provisions in the 2008 Agreement requiring Commission approval, please explain why MDWASD believes Commission approval would not be required even if Rule 25-9.034(1), Florida Administrative Code (F.A.C.), were interpreted to exempt the 2008 Agreement from the requirement that special agreements be approved by the Commission.
10. Please explain why FCG's approved tariff rates applicable to MDWASD's class of service should not apply to MDWASD pursuant to Section 366.06, Florida Statutes (F.S.), in the absence of an effective agreement between MDWASD and FCG.
11. Please explain whether MDWASD believes that FCG's June 22, 2009, letter (Exhibit J to MDWASD's Petition), wherein FCG purported to give MDWASD 30 days' notice, effectively terminated the 2008 Amendment.
12. If MDWASD's answer to Number 11 is affirmative, please identify and explain what rates MDWASD believes it should have been charged given that the 2008 Amendment had been terminated and no new agreement (2008 Agreement) had become effective?
13. When, if at all, did MDWASD become aware that FCG filed a Petition for Approval of the 2008 Agreement with the Commission on November 13, 2008 in Docket No. 080672-GU?
14. If MDWASD was aware that FCG had filed a Petition for Approval of the 2008 Agreement in Docket No. 080672-GU, why did MDWASD not intervene prior to FCG's February 17, 2009, Notice of Withdrawal of its Petition?

Please file the original and five copies of the requested information by February 8, 2010, with Ms. Ann Cole, Commission Clerk, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850. Please also provide a copy of the information to FCG. Feel free to call me at (850) 413-6076 if you have any questions.

Henry N. Gillman, Esq.
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Sincerely,

A handwritten signature in black ink, appearing to read 'Anna Williams', with a long horizontal flourish extending to the right.

Anna Williams
Attorney

ARW:sh

cc: Division of Economic Regulation (Kummer, Draper, Roberts, Thompson)
Office of the General Counsel (Williams, Brown)
Office of Commission Clerk (Docket No. 090539-GU)
Shannon O. Pierce, Esq.
Matthew Feil
Elizabeth Wade
Melvin Williams