

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Miami-Dade County for order requiring Florida City Gas to show cause why tariff rate should not be reduced and for the Commission to conduct a rate proceeding, overearnings proceeding, or other appropriate proceeding regarding Florida City Gas' Acquisition adjustment.

DOCKET NO. 100315-GU
ORDER NO. PSC-10-0425-PCO-GU
ISSUED: July 2, 2010

ORDER GRANTING EXTENSION OF TIME

On June 4, 2010, Miami-Dade County (the County) filed a complaint for an order requiring Florida City Gas (FCG) to show cause why its tariff rate should not be reduced and for the Commission to conduct a rate proceeding, overearnings proceeding or other appropriate proceeding regarding FCG's acquisition adjustment (Complaint). On June 24, 2010, FCG filed a Motion to Dismiss the County's Complaint with prejudice. On June 28, 2010, FCG filed a correction to its Motion to Dismiss to remove the phrase "with prejudice."

On June 30, 2010, the County filed an Unopposed Motion for Extension of Time to Serve Response to FCG's Motion to Dismiss (Motion), in which it requested an extension of time of seven days within which to file its response to FCG's Motion to Dismiss. In support of its Motion, the County submits that conflicts, workload, and other pending matters necessitate the extension and that FCG will not suffer prejudice by an extension up to and including July 8, 2010. In addition, the County states that FCG has no objection to the extension.

Upon consideration, the County's Motion is hereby granted. Pursuant to Rule 28-106.204(6), Florida Administrative Code, a party can file a motion for extension of time provided it does so prior to the expiration of the deadline sought to be extended and states good cause for the extension. The County filed its request for an extension on June 30, 2010, prior to the July 1, 2010 deadline, and has shown good cause. Furthermore, it appears that no party will be prejudiced by a seven-day extension until July 8, 2010.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Presiding Officer, that Miami-Dade County's Unopposed Motion for Extension of Time to Serve Response to Florida City Gas' Motion to Dismiss is hereby granted. It is further

ORDERED that Miami-Dade County's response to Florida City Gas' Motion to Dismiss shall be filed no later than July 8, 2010.

DOCUMENT NUMBER-DATE
35444 JUL-20
FPSC-COMMISSION CLERK

ORDER NO. PSC-10-0425-PC0-GU

DOCKET NO. 100315-GU

PAGE 2

By ORDER of Commissioner Nathan A. Skop, as Presiding Officer, this 2nd day of July, 2010.



NATHAN A. SKOP

Commissioner and Presiding Officer

(SEAL)

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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.