

Marguerite McLean

090539-GU

**From:** Ann Bassett [abassett@lawfla.com]  
**Sent:** Friday, March 18, 2011 4:51 PM  
**To:** Filings Electronic <Filings@PSC.STATE.FL.US>  
**Subject:** Docket No. 090539-GU  
**Attachments:** 2011-03-18, 090539, Request for Oral Argument.pdf

The person responsible for this electronic filing is:

Floyd R. Self  
Messer, Caparello & Self, P.A.  
P.O. Box 15579  
Tallahassee, FL 32317  
(850) 222-0720  
[fself@lawfla.com](mailto:fself@lawfla.com)

The Docket No. is 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

This is being filed on behalf of Florida City Gas

Florida City Gas's Request for Oral Argument

Total Number of Pages is 4

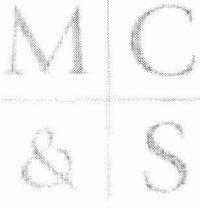
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Ann Bassett  
Messer, Caparello & Self, P.A.  
2618 Centennial Place (32308)  
P.O. Box 15579  
Tallahassee, FL 32317  
Direct Phone: 850-201-5225  
Fax No. 850-224-4359  
Email Address: <abassett@lawfla.com>  
Web Address: <www.lawfla.com>

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MESSER CAPARELLO & SELF, P.A.

Attorneys At Law  
[www.lawfla.com](http://www.lawfla.com)

March 18, 2011

**VIA ELECTRONIC FILING**

Ms. Ann Cole, Commission Clerk  
Office of Commission Clerk  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 090539-GU

Dear Ms. Cole:

Enclosed for filing on behalf of Florida City Gas is an electronic version of Florida City Gas' Request for Oral Argument in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,

Floyd R. Self

FRS/amb  
Enclosure

cc: Shannon O. Pierce, Esq.  
Parties of Record

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of Special Gas )  
Transportation Service Agreement with )  
Florida City Gas by Miami-Dade County )  
Through the Miami-Dade Water and )  
Sewer Department )  
\_\_\_\_\_ )

Docket No.: 090539-GU  
Filed: March 18, 2011

**FLORIDA CITY GAS REQUEST FOR ORAL ARGUMENT**

Pursuant to Rule 25-22.0022, Florida Administrative Code, Florida City Gas (“FCG”) hereby requests oral argument on its Motion To Disqualify Miami-Dade Water and Sewer Department’s Counsel and Witness Brian P. Armstrong and To Exclude This Testimony and, In The Alternative, To Strike Testimony (“Motion”) filed today with the Florida Public Service Commission (“Commission”). Oral argument will aid in the Prehearing Officer’s understanding and evaluation of the issues to be decided in this Motion as follows:

1. FCG believes that its Motion is clear on its face that the Miami-Dade Water and Sewer Department (“MDWASD”) has utilized Mr. Armstrong in this docket as both a lawyer and as a witness, in violation of the Rules Regulating The Florida Bar, Rules of Professional Conduct. As is set forth more particularly in the Motion, there is no dispute that MDWASD has proffered Mr. Armstrong as both an attorney and as a witness, and the exclusive remedy for MDWASD’s action is to dismiss Mr. Armstrong from this docket as both lawyer and witness and to exclude his testimony. This should not require any further discussion, but given the unique circumstances associated with MDWASD’s attempt to utilize Mr. Armstrong in this dual capacity, if the Prehearing Officer would benefit from a discussion of the Bar Rules and cases cited in the Motion, FCG is available to address such matters.

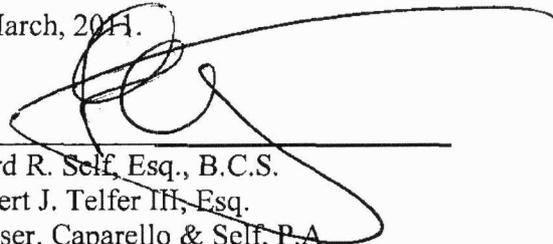
2. In the alternative, FCG has proposed that portions MDWASD’s witness Mr. Armstrong be stricken as such testimony is outside the scope of the issues identified for this

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docket and otherwise as impertinent, immaterial, redundant, and scandalous testimony. Given the page by page and line by line nature of this Motion, while FCG has identified direct and rebuttal testimony to be specifically stricken and the reasons for each, in the event the entire testimony is not stricken FCG believes that oral argument may assist the Prehearing Officer in identifying the specific language to be stricken and the basis for such removal. In that situation, FCG would like to afford the Prehearing Officer with the opportunity to hear brief oral argument of the parties or to at least have the parties available for any questions the Prehearing Officer may have.

WHEREFORE, Florida City Gas requests oral argument on its Motion To Disqualify Miami-Dade Water and Sewer Department's Counsel and Witness Brian P. Armstrong and To Exclude This Testimony and, In The Alternative, To Strike Testimony at the Prehearing Officer's convenience.

Respectfully submitted, this 18<sup>th</sup> day of March, 2011.



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Floyd R. Self, Esq., B.C.S.  
Robert J. Telfer III, Esq.  
Messer, Caparello & Self, P.A.  
2618 Centennial Place  
Tallahassee, Florida 32308  
Tel. 850-222-0720  
Fax. 850-558-0656

Shannon O. Pierce, Esq.  
AGL Resources Inc.  
Ten Peachtree Place, 15<sup>th</sup> Floor  
Atlanta, GA 30309  
Tel. 404-584-3394

*Counsel for Florida City Gas*

**CERTIFICATE OF SERVICE**

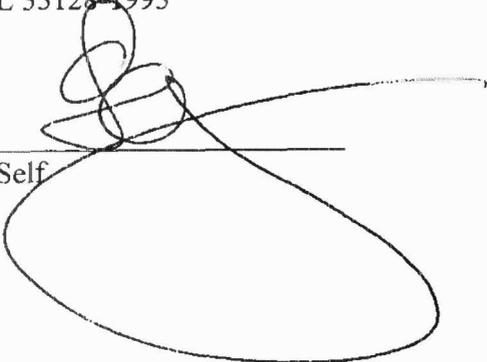
I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and/or U.S. Mail this 18<sup>th</sup> day of March, 2011.

Anna Williams, Esq.  
Martha Brown, Esq.  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Mr. Melvin Williams  
Florida City Gas  
933 East 25<sup>th</sup> Street  
Hialeah, FL 33013

Shannon O. Pierce  
AGL Resources, Inc.  
Ten Peachtree Place, 15<sup>th</sup> Floor  
Atlanta, GA 30309

Henry N. Gillman, Esq.  
David Stephen Hope, Esq.  
Miami-Dade County  
111 NW First Street, Suite 2800  
Miami, FL 33128-1993

  
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Floyd R. Self