

Diamond Williams

090539-GU

From: Ann Bassett [abassett@lawfla.com]
Sent: Monday, March 21, 2011 4:39 PM
To: Filings Electronic <Filings@PSC.STATE.FL.US>
Cc: Melvin Williams; Shannon Pierce; Floyd Self; David Hope; Henry Gillman; Anna Williams; Martha Brown
Subject: Docket No. 090539-GU
Attachments: 2011-03-21. 090539, FCG Letter to MDWASD, Alternative Motion for Ext. of Time.pdf

The person responsible for this electronic filing is:

Floyd R. Self
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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

Letter from Florida City Gas to Miami-Dade County Attorney

Total Number of Pages is 3

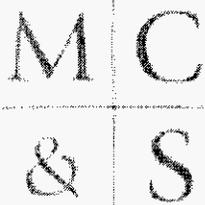
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DOCUMENT NUMBER-DATE

01891 MAR 21 =

FPSC-COMMISSION CLERK

3/21/2011



MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

www.lawfla.com

March 21, 2011

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

RE: Florida PSC Docket No. 090539-GU
Post 5:00 p.m. Emailing of documents on March 18, 2011
Alternative Motion for Extension of Time to Respond

Dear Mr. Gillman,

The purpose of this letter is to confirm that Florida City Gas ("FCG"), through undersigned counsel, received from your office on behalf of the Miami-Dade Water and Sewer Department ("MDWASD") a document entitled "Miami-Dade County's Motion For Summary Final Order Approving Special Gas Transportation Service Agreement and Imposing Sanctions on Florida City Gas and Incorporated Memorandum of Law" that was electronically submitted to the Commission Clerk and to FCG via email reflecting an electronic time stamp of 5:58 p.m., Friday, March 18, 2011 (hereinafter, "Motion"). FCG further received from your office via email an electronic filing entitled "Miami-Dade County's Request for Oral Argument" and which reflected an electronic time stamp of 6:18 p.m. on Friday, March 18, 2011 (hereinafter, "Request").

FCG's notes that Rule 28-106.104(3), Florida Administrative Code, states: "Any document received by the office of the agency clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day." Further, Rule 28-106.104(7)(c), Florida Administrative Code, provides: "The filing date for a document transmitted by electronic mail or facsimile shall be the date the agency clerk receives the complete document." Finally, Rule 28-106.204(1), Florida Administrative Code, provides that in response to a motion filed by a party, "the other parties may, within seven days of service of a written motion, file a response in opposition."

Reading all of these provisions together leads FCG to conclude that the Motion and Request are not considered legally filed until today, March 21, 2011, the next business day following the electronic transmittal of your two documents after 5 p.m. on March 18th. As of the time of this letter, the Commission's website does not yet reflect any information on these two documents, but FCG will assume this will be updated soon. Further reading together these rules, FCG concludes that any responsive document FCG may choose to file in response to the Motion and Request will be due on Monday, March 28, 2011, as the documents in question have not been officially filed until March 21, 2011.

DOCUMENT NUMBER - DATE
01891 MAR 21 =
FPSC - COMMISSION CLERK

Henry N. Gillman, Esq.

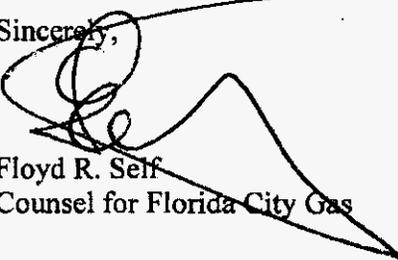
March 21, 2011

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FCG respectfully requests that you stipulate in writing that FCG's responses to the Motion and Request are due on Monday, March 28, 2011. If you will not stipulate, then pursuant to Rule 28-106-204(6), Florida Administrative Code, FCG requests that the prehearing officer treat this letter as a Motion for Extension of Time through 5 p.m. Monday, March 28, 2011 to file its responses to the Motion and Request. The good cause for such request is the fact that MDWASD emailed the documents in question after the close of business of both the Commission and the offices of FCG's counsel of record in this matter and the fact that under the clear rules such documents are not considered officially received and filed until March 21, 2011. Undersigned counsel also states that he has not yet read MDWASD's pleadings until today since they were transmitted after 5 p.m. on Friday.

If you have any questions regarding this matter, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Self', is written over a horizontal line. The signature is stylized and somewhat cursive.

Floyd R. Self
Counsel for Florida City Gas

FRS/amb

cc: Shannon O. Pierce, Esq.

Parties of Record

Florida Public Service Commission Clerk

CERTIFICATE OF SERVICE

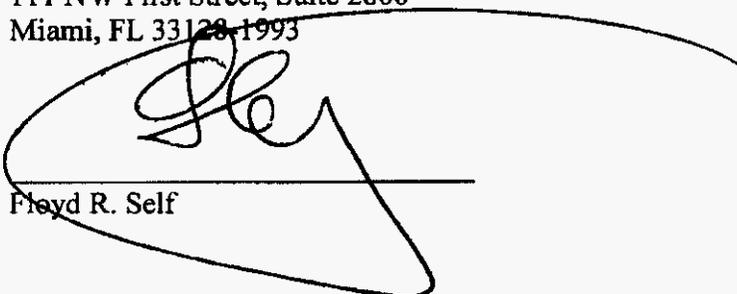
I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and/or U.S. Mail this 21st day of March, 2011.

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
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Hialeah, FL 33013

Shannon O. Pierce
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Floyd R. Self