

09167-16

FLORIDA PUBLIC SERVICE COMMISSION

Item 10

VOTE SHEET

FILED DEC 06, 2016
DOCUMENT NO. 09167-16
FPSC - COMMISSION CLERK

December 6, 2016

Docket No. 160175-GU – Petition for review and determination on the project construction and gas transportation agreement between NUI Utilities, Inc. d/b/a City Gas Company of Florida and Florida Crystals Corporation, and approval of an interim service arrangement.

Issue 1: Should the Commission grant Florida Crystals' Motion to be Designated a Party or in the Alternative Motion to Intervene? *Set the matter for hearings and*

Recommendation: *yes.* ~~No.~~ The Commission should *set the matter for hearings and grant* ~~deny~~ Florida Crystals' Motion to be Designated a Party or in the Alternative Motion to Intervene ~~because intervention is premature and unnecessary at this time.~~


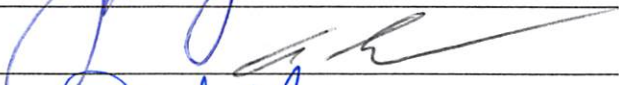
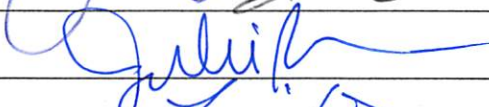

MODIFIED *at Commission Conference this date.*

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the Commission grant Florida Crystals' Request for Oral Argument on its Motion to Dismiss Petition?

Recommendation: Yes. The Commission should grant Florida Crystals' Request for Oral Argument on its Motion to Dismiss Petition. Staff recommends allowing each side ~~10~~ ⁵ minutes to address this matter.

APPROVED as modified at Commission Conference this date (5 minutes per side).

Issue 3: Should the Commission grant Florida Crystals' Motion to Dismiss Petition?

Recommendation: No. The Commission should deny Florida Crystals' Motion to Dismiss Petition because the Petition states a cause of action upon which relief may be granted.

APPROVED

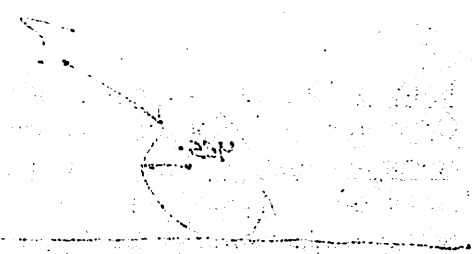
Issue 4: Should the Commission grant Florida Crystals' Request for Oral Argument on its Response in Opposition to Motion for Approval of a Temporary Interim Service Arrangement?

Recommendation: ^{yes} No. The Commission should ~~not~~ grant Florida Crystals' Request for Oral Argument on its Response in Opposition to Motion for Approval of a Temporary Interim Service Arrangement. ~~However, staff recommends that the parties be permitted to participate informally on this issue.~~

DENIED at Commission Conference this date, with parties given 5 minutes oral argument per side.

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... as notified at Commission Conference
this date (5 minutes per side).



... at Commission Conference this date
with parties given 5 minutes per side
per side.

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Issue 5: Should the Commission approve City Gas's Motion for Approval of the Temporary Interim Service Arrangement including the revised Interim Rates filed on November 1, 2016 in Confidential Exhibit 3A?

Recommendation: No. The Make-Up Period GTA rates should be in effect for a transition period beginning on the date of the Commission vote on this recommendation until a final Commission decision in this docket. If City Gas and Crystals are able to negotiate within the transition period a mutually agreeable operating agreement, it should be brought before the Commission for a decision. ~~If City Gas and Crystals are unable to negotiate a mutually agreeable operating arrangement within the transition period, City Gas should be required to file a limited proceeding by July 31, 2017, for the purpose of determining the appropriate cost basis for contract rates.~~ Revenues collected via the temporary rates during the transition period should be subject to refund with interest based on the Commission's final order in this docket.

MODIFIED at Commission Conference this date.
to include a two-way true-up.

Issue 6: Should this docket be closed?

Recommendation: No. This docket should remain open to allow City Gas and Crystals an opportunity to negotiate a mutually agreeable operating arrangement and until the Commission makes a final decision on the arrangement. If City Gas and Crystals are unable to negotiate an arrangement, this docket should continue to remain open until ~~a limited proceeding to resolve~~ the matter can be completed and a consummating order is issued.

MODIFIED to reflect decisions made at
Commission Conference this date.