

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Counter Petition of the City of )  
Leesburg to resolve a territorial dispute with )  
Peoples Gas System )  
\_\_\_\_\_ )

Docket No. 20180185-GU

**CITY OF LEESBURG’S REQUEST FOR ORAL ARGUMENT**

The City of Leesburg (“The City”), pursuant to Rule 25-22.0022, Florida Administrative Code (F.A.C.), hereby requests that the Commission grant oral argument concerning the Motion to Dismiss filed on October 18, 2018 by Peoples Gas System (“Peoples”) in the above-styled docket. In support thereof, The City states:

1. Peoples’ Motion makes a number of legal and factual points and arguments as to why the City’s Counter Petition should be dismissed. The City’s Response presents a number of arguments and legal authority why Peoples’ Motion to Dismiss should be denied.

2. Oral argument will aid the Commission in understanding and evaluating the parties’ respective arguments and the statutory role of the Commission when reviewing The City’s Counter Petition. Oral argument will also benefit the Commission as it decides whether the Counter Petition should be referred to the Division of Administrative Hearings (“DOAH”) for possible consideration and consolidation with the Territorial Dispute Petition filed by Peoples, Docket No. 20180085-GU and DOAH case number 18-4422, a related case that involves similar facts and legal issues, and is indeed a subset of the issues raised in the case pending at DOAH.

3. Rule 25-22.0022(7)(a) and (b), F.A.C., contemplate oral argument on dispositive motions, such as a motion to dismiss. (“Oral argument at an agenda conference will only be entertained for recommended orders and dispositive motions, such as motions to dismiss,

motions for summary final order, and motions for reconsideration of non-final or final orders.”  
Emphasis added.) As such, respectfully, oral argument should be granted in this matter.

4. The City requests that each party be granted seven (7) minutes for oral argument.

**WHEREFORE**, The City requests that the Commission grant its Request for Oral  
Argument.

Respectfully submitted this 29<sup>th</sup> day of October, 2018.

/s/ Jon C. Moyle  
Jon C. Moyle, Jr.  
Karen A. Putnal  
Moyle Law Firm, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850)681-3828  
Facsimile: (850)681-8788  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

Attorneys for City of Leesburg

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished to the following by Electronic Mail, on this 29<sup>th</sup> day of October, 2018:

Walt Trierweiler  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0854  
[wtrierwe@psc.state.fl.us](mailto:wtrierwe@psc.state.fl.us)

Andrew M. Brown, Esquire  
Ansley Watson, Jr., Esquire  
Macfarlane Ferguson & McMullen  
P. O. Box 1531  
Tampa, Florida 33601-1531  
(813) 273-4209  
(813) 695-5900  
[ab@macfar.com](mailto:ab@macfar.com)  
[aw@macfar.com](mailto:aw@macfar.com)

Kandi M. Floyd  
Manager-State Regulatory  
Peoples Gas System  
P. O. Box 111  
Tampa, Florida 33601-0111  
(813) 228-4668  
[kfloyd@tecoenergy.com](mailto:kfloyd@tecoenergy.com)

Jack Rogers  
City of Leesburg  
306 S. 6<sup>th</sup> Street  
Leesburg, Florida 34748  
[Jack.roger@leesburgflorida.gov](mailto:Jack.roger@leesburgflorida.gov)

Floyd Self, Esquire  
Berger Singerman  
Counsel for South Sumter Gas Company, LLC  
313 N. Monroe St. Ste 301  
Tallahassee, FL 32301-7643  
[fself@bergersingerman.com](mailto:fself@bergersingerman.com)

John L. Wharton  
Dean, Mead, & Dunbar  
215 S. Monroe Street, Ste. 815  
Tallahassee, FL 32301  
[jwharton@deanmead.com](mailto:jwharton@deanmead.com)

Paula K. Brown  
Regulatory Affairs  
Peoples Gas System  
P. O. Box 111  
Tampa, Florida 33601-0111  
(813) 228-4111  
[regdept@tecoenergy.com](mailto:regdept@tecoenergy.com)

Frank Kruppenbacher  
9064 Great Heron Circle  
Orlando Fl, 32836  
[fklegal@hotmail.com](mailto:fklegal@hotmail.com)

*/s/ Jon C. Moyle*  
\_\_\_\_\_  
Jon C. Moyle, Jr.