

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 950716-GU
authority to issue and sell) ORDER NO. PSC-96-0408-FOF-GU
securities during the 12 months) ISSUED: March 22, 1996
ending June 30, 1996, by City)
Gas Company of Florida)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER DENYING SUPPLEMENTAL APPLICATION
AND CLARIFYING ORDER PSC-95-0968-FOF-GU

BY THE COMMISSION:

On February 23, 1996, City Gas Company of Florida (City Gas or Company) filed a supplemental application for authority to issue securities. The Company states that it intends to issue common stock for its 1996 Stock Option and Stock Award Plan and its 1996 Employee Purchase Plan. The Company also states that it has authority pursuant to Order PSC-95-0968-FOF-GU to issue stock through these plans only to employees. By its supplemental application, the Company requests authority to issue common stock under the 1996 Stock Option and Stock Award Plan to non-employee members of its Board of Directors.

Order No. PSC-95-0968-FOF-GU, issued August 8, 1995, authorized the company to issue and sell equity securities, long-term debt obligations, and short-term indebtedness, not to exceed \$80 million in the aggregate, during the twelve-month period ending June 30, 1996. The Order states the following:

The issuance and/or sale of equity securities and long-term debt securities may be through either negotiated underwritten public offering at competitive bidding, direct public or private sale, sale through agents, or distributions to security holders of NUI Corporation or affiliated companies, including sales of equity

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securities through employee benefit plans, incentive compensation plans, and continuous investment programs offered to shareholders, employees, customers and residents of the states in which NUI Corporation does business.

Order PSC-95-0968-FOF-GU grants City Gas the authority it seeks in its supplemental application. Thus, the supplemental application is redundant and is, therefore, denied.

As a point of clarification, we note that our orders governing the issuance and sale of securities typically specify general categories of securities, when the authority granted expires, and the maximum aggregate amount allowed. Pursuant to Section 366.04 (1), Florida Statutes, however, our approval of the issuance of securities should not be considered approval of rates, service, accounts, valuation, estimates, or determinations of cost.

Based on the foregoing, it is, therefore,

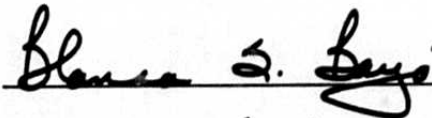
ORDERED by the Florida Public Service Commission that the supplemental application of City Gas Company of Florida to issue securities is denied to the extent set forth in the body of this order. It is further

ORDERED that this docket shall remain open and City Gas Company of Florida shall continue to file consummation reports in compliance with Rule 25-8.009, Florida Administrative Code and Order PSC-95-0968-FOF-GU. It is further

ORDERED that the foregoing authorization is without prejudice to the authority of this Commission with respect to rates, costs, or any other matter whatsoever now pending or which may come before this Commission, as provided in Section 366.04, Florida Statutes.

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By ORDER of the Florida Public Service Commission, this 22nd
day of March, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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.