

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

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January 27, 2009

**VIA ELECTRONIC MAIL**

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 080642-GU

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company is an electronic version of Florida Public Utilities Company's Motion to Amend Petition and Amended Petition of Florida Public Utilities Company to Resolve a Territorial Dispute in the above referenced docket.

Thank you for your assistance in this matter.

Sincerely,

Norman H. Horton, Jr.

NHH:amb  
Enclosure

cc: Mr. Marc S. Seagrave  
Parties of Record

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Florida Public Utilities Company to resolve a territorial dispute with Peoples Gas System	) ) ) ) _____)	Docket No. 080642-GU Filed: January 27, 2009
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**MOTION TO AMEND PETITION**

COMES NOW, Florida Public Utilities Company (“FPUC”) pursuant to Rule 28.106.202, Florida Administrative Code, and files this Motion to amend its Petition filed in this docket and as basis states:

1. On October 15, 2008, FPUC filed a Petition to Resolve a Territorial Dispute with Peoples Gas (“Peoples”). Peoples thereafter filed a Motion to Dismiss Petition or in the Alternative for More Definite Statement. FPUC filed a Response to the Motion filed by Peoples and thereafter Staff conducted a conference call among the parties.

2. During the conference call each party offered an overview of their respective positions and responded to inquiries from Staff. Both FPUC and Peoples were asked to provide additional information and FPUC was requested to provide clarification of the dispute.

3. The Amended Petition restates in part the issues raised in the original petition and expands and clarifies the activities giving rise to the petition including the territory at issue. Acceptance of the Amended Petition should address issues raised during the conference call and is being submitted as a result of the request made during the call.

4. Undersigned counsel has advised counsel for Peoples of the intent to file an Amended Petition and there was no objection to the procedure.

Dated this 27<sup>th</sup> day of January, 2009.

MESSER, CAPARELLO & SELF, P.A.  
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A handwritten signature in black ink, appearing to read "Norman Horton, Jr.", written over a horizontal line.

NORMAN H. HORTON, JR., ESQ.  
Attorneys for Florida Public Utilities Company

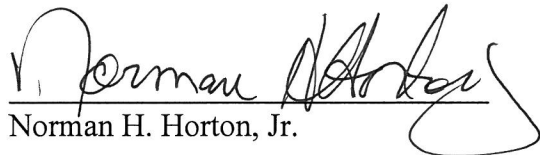
## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by U.S. Mail this 27<sup>th</sup> day of January, 2009.

Keino Young, Esq.  
Office of General Counsel  
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Ms. Paula K. Brown  
Peoples Gas System  
Regulatory Affairs  
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Tampa, FL 33601-0111

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Norman H. Horton, Jr.