

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: City Gas Company of Florida's)	DOCKET NO. 900117-GU
Petition for Declaratory Statement.)	ORDER NO. 22944
	ISSUED: 5-16-90

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 BETTY EASLEY
 GERALD L. GUNTER

ORDER DENYING PETITION FOR DECLARATORY STATEMENT

BY THE COMMISSION:

City Gas Company of Florida ("City Gas") filed a Petition for a Declaratory Statement concerning recovery of purchased gas adjustment ("PGA") charges. City Gas sought a Commission determination as to when it may begin billing its customers for periodic increases and decreases in the price of gas charged by its supplier Florida Gas Transmission Company ("FGT"). Specifically, City Gas requested a declaratory statement that its proposal, to pass through FGT charges before actual approval by the Federal Energy Regulatory Commission, is appropriate and consistent with Order No. 10237 and the provision of Chapter 366, Florida Statutes.

We believe that the proposal by City Gas presents an industry-wide issue and should be addressed on a generic basis. Accordingly, we have directed our staff to proceed expeditiously to investigate the matter and make any necessary policy recommendations. In this case, a declaratory statement is an inappropriate procedure for establishing policies that may have an impact on other companies and customers in addition to the petitioner.

For the reasons stated above, it is

ORDERED by the Florida Public Service Commission that the Petition for Declaratory Statement filed by City Gas Company of Florida is denied. It is further

ORDERED that this docket be closed upon issuance of this order.

DOCUMENT NUMBER-DATE
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By ORDER of the Florida Public Service Commission this 16th
day of MAY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 25-22.033(2), 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 sewer 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.