

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition for Review and )  
Determination on the Project Construction )  
and Gas Transportation Agreement By and ) Docket No.: 160175-GU  
Between NUI Utilities, Inc. d/b/a City Gas )  
Company of Florida and Florida Crystals ) Filed: May 3, 2017  
Corporation dated April 24, 2001 and )  
Approval of an Interim Service Arrangement )  
\_\_\_\_\_ )

**JOINT MOTION TO SUSPEND HEARING SCHEDULE**

Florida City Gas (“FCG” or “Company”) and Florida Crystals Corporation (“Florida Crystals”) (collectively, FCG and Florida Crystals shall be referred to as the “Parties”), pursuant to Rule 28-106.204, Florida Administrative Code and Order No. PSC-17-0033-PCO-GU, issued January 24, 2017, hereby file with the Florida Public Service Commission (“PSC” or “Commission”) this Joint Motion to Suspend Hearing Schedule (“Joint Motion”) so that the Commission can consider and rule upon the jurisdictional provisions of the forthcoming settlement of the Parties to be filed as a Joint Petition on or about May 4, 2017. In support of this Joint Motion, the Parties state as follows:

1. This docket was initiated on July 22, 2016, by FCG’s Petition for Review and Determination on the *Project Construction and Gas Transportation Agreement By and Between NUI Utilities, Inc. d/b/a City Gas Company of Florida and Florida Crystals Corporation dated April 24, 2001* and Approval of an Interim Service Arrangement (the “Petition”). Florida Crystals was designated a party in this docket by Order No. PSC-16-0581-PCO-GU, issued December 27, 2016.
2. On April 19, 2017, the Parties executed a Settlement Agreement that resolves all of the issues between the Parties. Pursuant to the Settlement Agreement, certain settlement terms

require the Commission's review and approval for those matters that are within the PSC's exclusive jurisdiction. In furtherance of the Settlement Agreement, on or about May 4, 2017, the Parties shall seek the PSC's review and approval of such jurisdictional matters through their Joint Petition and an Amended and Restated Gas Transportation Agreement. The Joint Petition shall also include various supporting documents, including the Settlement Agreement and cost study information.

3. Under the procedural schedule set forth in Order No. PSC-17-0033-PCO-GU, issued January 24, 2017, FCG's testimony is due to be filed on Friday, May 5, 2017, with other controlling dates set forth for thereafter, including hearing dates September 12-14, 2017. In view of the settlement of the Parties and the Joint Petition and other documents to be filed May 4, 2017, the Parties respectfully request that the hearing schedule and each of the controlling dates in Order No. PSC-17-0033-PCO-GU be suspended so as to provide the Commission with sufficient time to review and rule upon the Joint Petition and the Amended and Restated Gas Transportation Agreement. The Joint Petition explains that, as provided by the Parties' Settlement Agreement, in the event the Commission rejects the Joint Petition or the Amended and Restated Gas Transportation Agreement, and a satisfactory alternative cannot be negotiated and approved, the settlement of the Parties shall be void and each Party shall be free to resume and advocate for its litigation positions. If this occurs, the Parties will request that the Commission establish a new hearing schedule.

**WHEREFORE**, the Parties respectfully request that the Florida Public Service Commission suspend the hearing schedule and controlling dates set forth in Order No. PSC-17-0033-PCO-GU until such time as it rules upon the Joint Petition and Amended and Restated Gas Transportation Agreement to be filed on or about May 4, 2017.

Respectfully submitted,

/s/ Floyd R. Self

Floyd R. Self, B.C.S.  
Berger Singerman LLP  
313 North Monroe Street, Suite 301  
Tallahassee, Florida 32301  
Direct Telephone: (850) 521-6727  
Facsimile: (850) 561-3013  
Email: [fself@bergersingerman.com](mailto:fself@bergersingerman.com)

*Counsel for Florida City Gas*

/s/ Robert Scheffel Wright

Robert Scheffel Wright  
John T. LaVia, III  
Gardner, Bist, Bowden, Bush, Dee,  
LaVia & Wright, P.A.  
1300 Thomaswood Drive  
Tallahassee, Florida 32308  
Telephone: (850) 385-0070  
Facsimile: (850) 385-5416  
Email: [schef@gbwlegal.com](mailto:schef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)

*Counsel for Florida Crystals Corporation*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been furnished by E-

Mail on this 3<sup>rd</sup> day of May, 2017, to the following:

Robert Scheffel Wright, Esq.  
John T. LaVia, III, Esq.  
Gardner, Bist, Bowden, Bush, Dee, LaVia &  
Wright, P.A.  
1300 Thomaswood Drive  
Tallahassee, FL 32308  
[schef@gbwlegal.com](mailto:schef@gbwlegal.com)  
[jlavia@gbwlegal.com](mailto:jlavia@gbwlegal.com)  
[rhonda@gbwlegal.com](mailto:rhonda@gbwlegal.com)  
*Counsel for Florida Crystals*

Gus Cepero  
Florida Crystals Corporation  
One North Clematis Corporation, Suite 200  
West Palm Beach, FL 33401  
[Gus.Cepero@floridacrystals.com](mailto:Gus.Cepero@floridacrystals.com)

Margo Duval, Esq.  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399  
[mleather@psc.state.fl.us](mailto:mleather@psc.state.fl.us)

Carolyn Bermudez  
Florida City Gas  
4045 NW 97<sup>th</sup> Avenue  
Doral, FL 33178-2300  
[cbermude@southernco.com](mailto:cbermude@southernco.com)