

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Coastal Connect Services LLC for approval of natural gas pipeline transmission company tariff and firm transportation service agreement.

Docket No: 20260094-GU

Filed: August 28, 2026

PIVOTAL UTILITY HOLDINGS, INC. D/B/A FLORIDA CITY GAS'
MOTION FOR LEAVE TO INTERVENE

Pivotal Utility Holdings, Inc. d/b/a Florida City Gas ("FCG"), by and through its undersigned attorneys, hereby moves for leave to intervene as a party to the above-captioned proceeding pursuant to chapters 120, 366, and 368, Florida Statutes,¹ and rules 28-106.204 and 28-106.205, Florida Administrative Code ("F.A.C."). In support of its motion, FCG states:

1. FCG is a natural gas local distribution company ("LDC") subject to the Commission's public utility regulatory jurisdiction under chapter 366, Florida Statutes. FCG currently is engaged in the distribution and sale of safe, reliable, and reasonably priced natural gas service to approximately 125,000 residential, commercial, and industrial natural gas customers in Brevard, Miami-Dade, Broward, St. Lucie, Indian River, Palm Beach, Hendry, and Martin counties. FCG also provides transportation of customer-owned natural gas.

2. The name, address, e-mail address, telephone number and facsimile number of FCG's attorneys and representatives are as follows:

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¹ All references herein to the Florida Statutes are to the 2026 edition thereof.

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The Proceeding

3. Coastal Connect Services, LLC (“New Transmission Company”) initiated this proceeding when it filed a petition on June 8, 2026 (“Petition”) requesting Commission approval of an intrastate transmission company pipeline tariff (“Proposed Tariff”) under chapter 368, Florida Statutes. The Proposed Tariff purports to establish the terms and conditions for natural gas transportation service over a pipeline which the New Transmission Company plans to construct to transport natural gas to its “first” customer whose facilities are located “on Cape Canaveral in Brevard County.” Petition, §§ 6 & 8.² The Petition claims that the capacity of the proposed pipeline is “at present, contemplated to be fully obligated” to the New Transmission Company’s “first customer.” *Id.* The New Transmission Company asserts that, in lieu of tariffed rates, charges for transportation service should be based on a negotiated agreement, which it attaches in redacted form to the Petition and requests that the Commission approve. Petition, § 18. Neither the Petition nor the Proposed Tariff include maps of the proposed pipeline or proposed rates for the transportation service.

² § 6 of the Petition identifies the New Transmission Company’s first customer as Space Exploration Technologies Company (“Space X”).

4. This proceeding is governed by the Natural Gas Transmission Pipeline Intrastate Regulatory Act (the “Pipeline Regulatory Act”), which is codified in sections 368.101-368.112 of the Florida Statutes. The Pipeline Regulatory Act was adopted by the Florida Legislature in 1992 in conjunction with the Natural Gas Transmission Pipeline Siting Act (“Pipeline Siting Act”), which is codified in sections 403.9401-9425 of the Florida Statutes.³ Those statutes enable an intrastate pipeline company to be exempt from FERC jurisdiction under what is known as “the Hinshaw Amendment” to the federal Natural Gas Act, which “exempts from FERC regulation intrastate pipelines that operate exclusively in one State and with rates and services regulated by the State.” 15 U.S.C. § 717(c).

5. The Pipeline Regulatory Act is premised on the principle that the Commission’s regulation of the intrastate transportation and sale of natural gas is in the “public interest and ... shall be deemed to be an exercise of the police power of the state for the protection of the public welfare.” Section 368.102, Florida Statutes. In exercising these police powers, the Commission

is empowered to fix and regulate rates and services of natural gas transmission companies, including, without limitation, rules and regulations for determining the classification of customers and services, for determining the applicability of rates, and for ensuring that the provision (including access to transmission) or abandonment of service by a natural gas transmission company is not unreasonably preferential, prejudicial, or unduly discriminatory. In the exercise of its jurisdiction, the commission shall have the power to prescribe all rules and regulations reasonably necessary and appropriate for the administration and enforcement of ss. 368.101-368.112.

Section 368.104, Florida Statutes.

³ The Pipeline Siting Act is administered by the Florida Department of Environmental Protection (“FDEP”). FDEP is responsible for the certification of intrastate natural gas transmission pipelines, and the Commission is responsible for determining the need for such pipelines pursuant to § 403.9422, Fla. Stat. A pipeline that does not cross a county line or is less than 100 miles in length is not required to be certified unless the applicant elects to pursue certification. § 403.9405(2), Fla. Stat. Notably, a pipeline that is exempt from certification under section 403.9405(2) is not exempt “from other applicable permitting processes under other provisions of law or local government ordinances.” See § 403.9405 (3), Fla. Stat.

6. In addressing similar petitions to approve intrastate gas pipeline tariffs in the past, the Commission has exercised its police powers under the Pipeline Regulatory Act by expressly considering the interests of the LDC serving the area and its customers to ensure, among other things, “that captive ratepayers of Florida’s LDCs and the competitive market for natural gas in Florida are not harmed by the transmission company’s operation.”⁴ Furthermore, in considering whether a pipeline company qualifies as an intrastate natural gas transmission company, the Commission has cautioned:

A transmission pipeline’s project should not lead to less investment in the LDC’s facilities or stranded costs, cherry picking’ of the LDC’s large industrial customers, territorial disputes, or unfair competition with other transmission providers.⁵

FCG’s Substantial Interests Will Be Affected in This Proceeding

7. As explained in greater detail below, FCG’s interests that are or will be affected by these proceedings are substantial, are of sufficient immediacy to entitle FCG to participate in the proceeding, and are the type of interests that the proceeding is designed to protect. *See Ameristeel Corp. v. Clark*, 691 So. 2d 473, 477 (Fla. 1997); *Agrico Chem. Co. v. Dep’t of Env’tl Reg.*, 406 So. 2d 478 (Fla. 2d DCA 1981), *rev. denied*, 415 So. 2d 1359 (Fla. 1982) (to participate as a party in an ongoing proceeding an intervenor must demonstrate that it will suffer a sufficiently immediate injury in fact that is of the type the proceeding is designed to protect).

8. FCG is an LDC providing natural gas to the Cape Canaveral area in the immediate vicinity of where the New Transmission Company proposes to locate and operate its pipeline.

⁴ See Order No. PSC-07-1012-TRF-GP, issued December 21, 2007, in Docket No. 070570-GP, *In re: Petition for approval of natural gas transmission pipeline tariff by Peninsula Pipeline Company, Inc.*; and Order No. PSC-08 0747-TRF-GP, issued November 12, 2008, in Docket No. 20080561-GP, *In re: Petition for approval of natural gas transmission pipeline tariff by SeaCoast Gas Transmission, LLC*.

⁵ See Order No. PSC-06-0023-DS-GP at 4 (Jan. 9, 2006).

Furthermore, FCG holds non-exclusive franchise agreements with the City of Cape Canaveral and with Space Florida, which is authorized under the Space Florida Act (Part II of Chapter 331 of Florida Statutes) to, among other things, furnish roads and bridges in the Cape Canaveral Spaceport, where SpaceX is located. Therefore, as the franchisee, FCG has the right to use Spaceport roads and rights-of-way for the purpose of expanding its natural gas facilities to meet the growing demand for energy from its current and future customers in the Cape Canaveral area. More specifically, FCG anticipates further expansion in the Cape Canaveral area, including additional delivery points that could be used to serve SpaceX. If the Petition is granted, the investment FCG has already made in the Cape Canaveral Spaceport area could be at risk of being stranded. Moreover, as a PSC-regulated intrastate pipeline, the New Transmission Company may seek to add customers in the future, further injuring FCG's interests. As such, FCG has substantial interests in ensuring the Commission's actions in this docket do not harm FCG, its ratepayers and the competitive market for natural gas in Florida. These are the types of interests that the Commission has been careful to protect in addressing similar petitions to approve intrastate gas pipeline tariffs in the past. *See* Order No. PSC-07-1012-TRF-GP, p. 1. (In reviewing proposed intrastate pipeline tariffs, the Commission expressly considered the interests of the LDC serving the area and its customers to ensure "that captive ratepayers of Florida's LDCs and the competitive market for natural gas in Florida are not harmed by the transmission company's operation.")⁶

⁶ *See*, also Order No. PSC-08 0747-TRF-GP, issued November 12, 2008, in Docket No. 20080561-GP, *In re: Petition for approval of natural gas transmission pipeline tariff by SeaCoast Gas Transmission, LLC*.

9. Furthermore, the New Transmission Company's Petition at section 10 makes the following thinly veiled and unsupported reference to FCG:

SpaceX determined the small, existing pipeline to the Cape Canaveral spaceport, which also does not connect to the required delivery points, is wholly inadequate for its purposes.

FCG disputes this unsubstantiated claim and has a substantial interest in seeing that the claim is rejected.

Disputed Issues of Material Fact

10. FCG believes that the disputed issues of material fact in this proceeding will include, but will not be limited to, the following:

ISSUE: Whether the operation of the New Transmission Company would strand FCG's utility assets, or otherwise lead to uneconomic duplication of FCG's facilities and other territorial disputes?

ISSUE: Whether FCG is capable of serving New Transmission Company's first customer in the Cape Canaveral area?

ISSUE: Whether the operation of the New Transmission Company would impede FCG's ability to serve its customers in the area?

ISSUE: Whether the operation of the New Transmission Company would threaten the integrity and safety of FCG's distribution system in the area?

ISSUE: Whether the New Transmission Company is exempt from the certification and needs determination requirements under the Pipeline Siting Act?

FCG reserves all rights to raise additional issues as the case progresses in accordance with the Commission's rules and the Order Establishing Procedure in this case.

Statement of Position

11. FCG is an LDC providing natural gas to the Cape Canaveral area in the immediate vicinity of where the New Transmission Company proposes to locate and operate the proposed

pipeline. As such, FCG seeks to intervene in this proceeding to ensure that the Commission's actions in this docket do not harm FCG, its ratepayers, and the competitive market for natural gas in Florida. At the time of this filing, there is no preliminary agency action by the Commission.

Statement of Conferral

12. Pursuant to rules 28-106.204(3) and 28-106.205(2)(e), F.A.C., counsel for FCG has conferred with counsel for New Transmission Company and is authorized to represent that the New Transmission Company objects to the entry of an order granting this Motion for Leave to Intervene. Counsel for FCG has also conferred with counsel for the Commission staff and is authorized to represent that the Commission staff takes no position on FCG's Motion at this time.

CONCLUSION AND RELIEF REQUESTED

WHEREFORE, FCG respectfully requests the Commission to enter an Order GRANTING this Motion for Leave to Intervene and requiring that all parties to this proceeding serve copies of all pleadings, notices, and other documents on the undersigned.

Respectfully submitted this 28th day of August 2026.

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***Attorneys for Pivotal Utility Holdings, Inc. d/b/a
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CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing has been furnished by electronic mail this 28th day of August 2026 to:

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/s/D. Bruce May, Jr.

Attorney