

# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME:** Thursday, September 5, 2019, 9:30 a.m.

**LOCATION:** Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

**DATE ISSUED:** August 27, 2019\*

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### NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (\*\*) next to the item number.

To participate informally, affected persons need only appear at the conference and request the opportunity to address the Commission on an item listed on the agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing. See Florida Administrative Code Rules 25-22.0021 (agenda conference participation) and 25-22.0022 (oral argument).

Conference agendas, staff recommendations, vote sheets, and transcripts are available online at <http://www.floridapsc.com>, by selecting *Conferences & Meeting Agendas* and *Commission Conferences of the FPSC*. An official vote of "move staff" denotes that the Item's recommendations were approved.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or 850-413-6770 (Florida Relay Service, 1-800-955-8770 Voice or 1-800-955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

The Commission Conference has a live video broadcast the day of the conference, which is available from the FPSC website. Upon completion of the conference, the archived video will be available from the website by selecting *Conferences & Meeting Agendas*, then *Audio and Video Event Coverage*.

**EMERGENCY CANCELLATION OF CONFERENCE:** If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (<http://www.floridapsc.com>) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at 850-413-6770.

If you have any questions, contact the Office of Commission Clerk at 850-413-6770 or [Clerk@psc.state.fl.us](mailto:Clerk@psc.state.fl.us).

**Revised to insert late-filed Item 2.**

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**ITEM NO.**

**CASE**

1\*\*

**Consent Agenda**

PAA

A) Application for Certificate of Authority to Provide Telecommunications Service.

DOCKET NO.

COMPANY NAME

20190150-TX

Metro Fibernet, LLC d/b/a MetroNet

20190151-TX

NGA 911, L.L.C.

**Recommendation:** The Commission should approve the action requested in the dockets referenced above and close these dockets.

**ITEM NO.**

**CASE**

2\*\*

**Docket No. 20190041-WS** – Proposed adoption of Rule 25-30.0115, F.A.C., Definition of Landlord and Tenant.

**Rule Status:** Proposed

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** GCL: King  
ECO: Guffey, Coston

**(Proposal may be deferred.)**

**Issue 1:** Should the Commission propose the adoption of Rule 25-30.0115, F.A.C., Definition of Landlord and Tenant?

**Recommendation:** Yes, the Commission should propose the adoption of Rule 25-30.0115, F.A.C., as set forth in Attachment A. Additionally, the Commission should certify the rule as a minor violation rule.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If no requests for hearing or comments are filed, the rule should be filed with the Department of State, and the docket should be closed.

**ITEM NO.**

**CASE**

3\*\*

**Docket No. 20190152-WS** – Proposed amendment of Rule 25-30.350, F.A.C., Underbillings and Overbillings for Water and Wastewater Service, and Rule 25-30.360, F.A.C., Refunds.

**Rule Status:** Proposed

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Fay

**Staff:** GCL: Harper

AFD: Norris, Sowards

ECO: Hudson, Ramos, Guffey

**(Proposal May Be Deferred)**

**Issue 1:** Should the Commission amend Rule 25-30.350, Underbillings and Overbillings for Water and Wastewater Service, F.A.C., and Rule 25-30.360, Refunds, F.A.C.?

**Recommendation:** Yes, the Commission should amend Rule 25-30.350, F.A.C., and Rule 25-30.360, F.A.C, as set forth in Attachment A of staff's memorandum dated August 22, 2019. The Commission should certify Rules 25-30.350 and 25-30.360, F.A.C., as minor violation rules.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If no requests for hearing or comments are filed, the rules may be filed with the Department of State, and this docket should be closed.

**ITEM NO.**

**CASE**

4\*\*PAA

**Docket No. 20190108-WS** – Request for initiation of formal proceedings for relief against Utilities, Inc. of Florida regarding over billing and broken meter, by Eugene R. Lopez (Complaint # 1270964W).

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Clark

**Staff:** GCL: Simmons, J. Crawford

CAO: Plescow, Hicks

ECO: Bethea, Hudson

ENG: Doehling, Graves

**Issue 1:** What is the appropriate disposition of Mr. Lopez’s formal complaint?

**Recommendation:** Staff recommends that Mr. Lopez’s formal complaint be denied. Mr. Lopez’s account was properly billed in accordance with Florida statutes and rules and UIF’s tariffs. UIF did not violate any applicable statute, rule, company tariff, or order of the Commission in the processing of Mr. Lopez’s account.

**Issue 2:** Should this docket be closed?

**Recommendation:** If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

**ITEM NO.**

**CASE**

5\*\*

**Docket No. 20190119-TP** – 2020 State certification under 47 C.F.R. §54.313 and §54.314, annual reporting requirements for high-cost recipients and certification of support for eligible telecommunications carriers.

**Critical Date(s):** 10/01/19 (Filing deadline with the Federal Communications Commission and Universal Service Administrative Company)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Brown

**Staff:** IDM: Wooten, Bates, Eastmond, Long

GCL: Dziechciarz

**Issue 1:** Should the Commission certify to USAC and the FCC, through online certification with USAC and by electronic filing of a USAC-generated certification letter with the FCC, that BellSouth Telecommunications, LLC d/b/a AT&T Florida d/b/a AT&T Southeast; Embarq Florida, Inc. d/b/a CenturyLink; Frontier Florida LLC; Frontier Communications of the South, LLC; Consolidated Communications of Florida Company; ITS Telecommunications Systems, Inc. d/b/a ITS Fiber; Knology of Florida, Inc. d/b/a WOW! Internet, Cable and Phone; Northeast Florida Telephone Company d/b/a NEFCOM; Quincy Telephone Company d/b/a TDS Telecom; Smart City Telecommunications LLC d/b/a Smart City Telecom; and Windstream Florida, LLC are eligible to receive federal high-cost support, that they have used the federal high-cost support in the preceding calendar year, and they will use the federal high-cost support they receive in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended?

**Recommendation:** Yes. The Commission should certify to USAC and the FCC, through online certification with USAC and by electronic filing of a USAC-generated certification letter with the FCC, that BellSouth Telecommunications, LLC d/b/a AT&T Florida d/b/a AT&T Southeast; Embarq Florida, Inc. d/b/a CenturyLink; Frontier Florida LLC; Frontier Communications of the South, LLC; Consolidated Communications of Florida Company; ITS Telecommunications Systems, Inc. d/b/a ITS Fiber; Knology of Florida, Inc. d/b/a WOW! Internet, Cable and Phone; Northeast Florida Telephone Company d/b/a NEFCOM; Quincy Telephone Company d/b/a TDS Telecom; Smart City Telecommunications LLC d/b/a Smart City Telecom; and Windstream Florida, LLC are eligible to receive federal high-cost support, that they have used the federal high-cost support in the preceding calendar year, and they will use the federal high-cost support they receive in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

**ITEM NO.**

**CASE**

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5\*\*

**Docket No. 20190119-TP** – 2020 State certification under 47 C.F.R. §54.313 and §54.314, annual reporting requirements for high-cost recipients and certification of support for eligible telecommunications carriers.

(Continued from previous page)

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. This docket should be closed upon issuance of a Final Order.



**ITEM NO.**

**CASE**

6\*\*

**Docket No. 20190118-WU** – Application for increase in water rates in Gulf County by Lighthouse Utilities Company, Inc.

**Critical Date(s):** 9/10/19 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Clark

**Staff:** AFD: D. Andrews, Norris

ECO: Bruce, Hudson

ENG: Knoblauch, Salvador

GCL: Simmons, J. Crawford

**(Decision on Suspension of Rates)**

**Issue 1:** Should the Utility's proposed final water rates be suspended?

**Recommendation:** Yes. Lighthouse's proposed final water rates should be suspended.

**Issue 2:** Should this docket be closed?

**Recommendation:** This docket should remain open pending the Commission's final action on the Utility's requested rate increase.

**ITEM NO.**

**CASE**

7\*\*

**Docket No. 20190076-EI** – Petition for approval of revised underground residential distribution tariffs, by Duke Energy Florida, LLC.

**Critical Date(s):** 12/01/19 (8-Month Effective Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Draper, Coston

GCL: Trierweiler

**Issue 1:** Should the Commission approve Duke's proposed URD tariffs and associated charges?

**Recommendation:** Yes, the Commission should approve Duke's proposed URD tariffs and associated charges as shown in Attachment A of staff's memorandum dated August 22, 2019, effective September 5, 2019.

**Issue 2:** Should this docket be closed?

**Recommendation:** If Issue 1 is approved and a protest is filed within 21 days of the issuance of the order, the tariffs should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.

**ITEM NO.**

**CASE**

8\*\*

**Docket No. 20190132-EI** – Petition for authority for approval of non-firm energy pilot program and tariff by Florida Public Utilities Company.

**Critical Date(s):** 60-day suspension date waived by the utility until 09/05/2019

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECO: Coston, Draper

GCL: Brownless

**Issue 1:** Should the Commission approve FPUC’s petition for the approval of its pilot program and associated tariff?

**Recommendation:** Yes, the Commission should approve FPUC’s petition for the pilot program and associated tariff effective September 5, 2019. The proposed tariff sheets are shown in Attachment A of staff’s memorandum dated August 22, 2019. If FPUC wishes to extend or make permanent the pilot program, FPUC should petition the Commission regarding the future of the pilot program prior to the December 31, 2020 expiration date.

**Issue 2:** Should this docket be closed?

**Recommendation:** If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.