

Matilda Sanders

PSC - 16-0701-CO-TP

100174-TP

From: Gloria Ross
Sent: Monday, November 29, 2010 10:44 AM
To: CLK - Orders / Notices
Cc: Pauline Evans; Adam Teitzman
Subject: Order / Notice Submitted

100174.co.pere.doc

FPSC, CLK - CORRESPONDENCE		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. <i>02025-10</i>		
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CONSUMMATING ORDER

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Gloria Ross
Commission Deputy Clerk II
Office of the General Counsel
Florida Public Service Commission
850-413-6214

**FLORIDA PUBLIC SERVICE COMMISSION
CASE MANAGEMENT SYSTEM
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 100174**

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Bingham McCutchen LLP (10)		russell.blau@bingham.com	No
Clear Choice Communications		sklopack@matrixbt.com	No
Excel Telecommunications		jdennis@excel.com	No
Excel Telecommunications/VarTec Solutions/VarTec Telecom		leslie.ellis@excel.com	No

Commission Clerk

From: Commission Clerk
Sent: Monday, November 29, 2010 2:12 PM
Subject: Order or Notice issued by the Public Service Commission (Email ID = 134826)
Attachments: 09603-10.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

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Thank you.

11/29/2010

Matilda Sanders

PSC-10-0665-PAA-TP

100174-TP

From: Gloria Ross
Sent: Tuesday, November 02, 2010 10:48 AM
To: CLK - Orders / Notices
Cc: Pauline Evans; Adam Teitzman
Subject: Order / Notice Submitted

Date and Time: 11/2/2010 10:45:00 AM
Docket Number: 100174-TP
Filename / Path: I:\2010\100174\100174.ord.paa.cancel.clec.cert.pelc.doc

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*Order corrected
11/2 3:30
mar*

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING COMPETITIVE LOCAL EXCHANGE
TELECOMMUNICATIONS CERTIFICATES

*McD
Lec-10*

*fax 1
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Gloria Ross
Commission Deputy Clerk II
Office of the General Counsel
Florida Public Service Commission
850-413-6214

**FLORIDA PUBLIC SERVICE COMMISSION
CASE MANAGEMENT SYSTEM
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 100174**

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
AT&T Florida	TL720	greg.follensbee@att.com	Yes
Bingham McCutchen LLP (10)		russell.blau@bingham.com	No
CenturyLink	TL727	sandy.khazraee@centurylink.com	Yes
Clear Choice Communications		sklopack@matrixbt.com	No
Excel Telecommunications		jdennis@excel.com	No
Excel Telecommunications/VarTec Solutions/VarTec Telecom		leslie.ellis@excel.com	No
FairPoint Communications	TL719	lwood@fairpoint.com	Yes
Frontier Communications of the South, LLC	TL732	susan.a.miller@ftr.com	Yes
ITS Telecommunications Systems, Inc.	TL712	donnam@itstelecom.net	Yes
NEFCOM	TL715	dnobles@townes.net	Yes
Smart City Telecom	TL731	lbhall@smartcity.com	Yes
TDS Telecom/Quincy Telephone	TL718	Thomas.mccabe@tdstelecom.com	Yes
Verizon Florida LLC	TL710	david.christian@verizon.com	Yes
Windstream Florida, Inc.	TL716	bettye.j.willis@windstream.com	Yes

Commission Clerk

From: Commission Clerk
Sent: Wednesday, November 03, 2010 2:27 PM
Subject: Order or Notice issued by the Public Service Commission (Email ID = 950220)
Attachments: 09141-10.pdf

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Thank you.

100174-1F

FLORIDA PUBLIC SERVICE COMMISSION
CASE MANAGEMENT SYSTEM
PARTICIPATING EMAIL ADDRESSES

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Bingham McCutchen LLP (10)		russell.blau@bingham.com	No
Excel Telecommunications		jdennis@excel.com	No
Excel Telecommunications/VarTec Solutions/VarTec Telecom		leslie.ellis@excel.com	No
Matrix Telecom, Inc.		sklopack@matrixbt.com	No
Sage Spectrum, LLC		sflatt@sagetelecom.net	No
Technologies Management Inc. (09c)		croesel@tminc.com	No

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100174-TPV
~~100394-TP~~

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Administrative Parties Consumer

DOCUMENT NO. 06605-10

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Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

TO: Parties and Interested Persons
FROM: Ann Cole, Commission Clerk, Office of Commission Clerk
RE: Notice of Filing of Staff Recommendation

Notice is being given that a staff recommendation has been filed with the Office of Commission Clerk for the upcoming Commission Conference Agenda. See attached page one for filing date, docket number, and document number information.

Complete staff recommendations for items on the agenda are available from the Commission's Web site <http://www.floridapsc.com> by selecting the **Agendas & Hearings** tab and then selecting **Commission Conference Agendas**. Vote sheets, transcripts, and minutes are also viewable once they become available. Records of Commission actions can also be viewed by selecting **Dockets & Filings, Dockets** and the docket number or document number.

I hope you find this information helpful. If you have any questions concerning this information, please feel free to contact the Office of Commission Clerk at (850) 413-6770.



Public Service Commission

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RECEIVED-FPSC

10 OCT 13 PM 12:15

-M-E-M-O-R-A-N-D-U-M-

COMMISSION
CLERK

DATE: ^{13-cc} October 14, 2010

TO: Office of Commission Clerk (Cole)

FROM: Division of Regulatory Analysis (R. Kennedy) *RK wants*
Office of the General Counsel (A. Teitzman) *AT VSM*

RE: Request for Cancellation of a Competitive Local Exchange Telecommunications Certificate

AGENDA: 10/26/2010 - Consent Agenda - Proposed Agency Action - Interested Persons May Participate

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\RAD\WP\100174a.RCM.DOC

Please place the following Request for Cancellations of a Competitive Local Exchange Telecommunications Certificate on the consent agenda for approval.

DOCKET NO.	COMPANY NAME	CERT. NO.	EFFECTIVE DATE
100174-TP	Comtel Telcom Assets LP d/b/a VarTec Telecom	5687	8/02/2010
	Comtel Telcom Assets LP d/b/a VarTec Solutions	4699	8/02/2010
	Comtel Telcom Assets LP d/b/a Excel Telecommunications	4695	8/02/2010
100394-TP	Sage Spectrum, LLC	8733	9/07/2010

The Commission is vested with jurisdiction in this matter pursuant to Sections 364.335 and 364.337, Florida Statutes. Pursuant to Section 364.336, Florida Statutes, certificate holders have paid their 2010 Regulatory Assessment Fees (RAFs).

DOCUMENT NUMBER DATE

08535 OCT 13 2010

FPSC-COMMISSION CLERK

Commission Clerk

From: Commission Clerk
Sent: Wednesday, October 13, 2010 4:13 PM
Subject: Order or Notice issued by the Public Service Commission (Email ID = 774654)
Attachments: Recommendation 08535.pdf

The attached order or notice has been issued by the Public Service Commission.

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Thank you.

10/13/2010

Docket Index for May 4, 2010,
Commission Conference Agenda

1. Minutes
 March 16, 2010 and April 6, 2010 Regular
 Commission Conference
2. Consent Agenda
 - A) 100163-TX (2)
 - B) 100151-TC (2)
3. 040763-TP (6)
4. 090011-EU (4)
5. 090538-TP (17)
6. 090245-TP (8)
7. 100148-EQ (3)
8. 090537-EQ (3)
9. 100174-TP (5)
10. 100094-WS (5)
11. 090521-WS (3)
12. 090170-WU (7)

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 090011-EU (3)

**FLORIDA PUBLIC SERVICE COMMISSION
CASE MANAGEMENT SYSTEM
PARTICIPATING EMAIL ADDRESSES**

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Akerman Senterfitt (10a)		beth.keating@akerman.com	No
AT&T (07)		greg.follensbee@att.com	No
Bingham McCutchen LLP (10)		russell.blau@bingham.com	No
Broadwing Communications, LLC	TX804	Greg.Diamond@level3.com	No
Cox	TA027	kenneth.culpepper@cox.com	No
Crexendo Business Solutions, Inc.		jkorn@storesonline.com	No
DSI-ITI, LLC		dorothy.cukier@gtl.net	No
Excel Telecommunications		jdennis@excel.com	No
Excel Telecommunications/VarTec Solutions/VarTec Telecom		leslie.ellis@excel.com	No
Florida Public Utilities Company	EI803	gbachman@chpk.com	No
Granite Telecommunications, LLC	TX685	rcurrier@granitenet.com	No
Hamilton Telecommunications		john.nelson@hamiltontel.com	No
Holland & Knight Law Firm (10a)		bruce.may@hkllaw.com	No
Klein Law Group (10)		AKlein@kleinlawPLLC.com	No
Lance J.M. Steinhart, P.C. (10)		lsteinhart@telecomcounsel.com	No
Mark Williams / S.A. Williams Corporation (Thresher)		michael.kamprath@thresherpa.com	No
Matrix Telecom, Inc.		sklopack@matrixbt.com	No
Mobile Manor Water Company, Inc.	WU167	bonitav@bensonsinc.com	No
Nabors Law Firm (10)		mstern@ngnlaw.com	No
North Fort Myers Utility, Inc.		oldbridge9@aol.com	No
Pennington Law Firm (10)		gene@penningtonlaw.com	No
Progress Energy Florida, Inc.	EI801	paul.lewisjr@pgnmail.com	No
Progress Energy Service Company, LLC (09)		john.burnett@pgnmail.com	No
Qwest (Portland)		Alex.Duarte@qwest.com	No
Qwest (Seattle)		Adam.Sherr@qwest.com	No
Qwest Communications Company, LLC	TI215	Jeff.Wirtzfeld@qwest.com	No
Qwest Communications Company, LLC(Topp)		Jason.Topp@qwest.com	No
Rose Law Firm (Longwood)		mfriedman@rsbattorneys.com	No
Ruden Law Firm (10)		Mary.Smallwood@ruden.com	No
Rutledge Law Firm (07)		marsha@reuphlaw.com	No
Rutledge Law Firm (10)		marsha@reuphlaw.com	No
Service Management Systems, Inc.	WS571	dennis@dbasile.com	No
Skadden, Arps, Slate, Meagher & Flom LLP		jbeahn@skadden.com	No
Sorenson Media Inc.		ctingey@sorenson.com	No
Sprint		Maggie.schoolat@mail.sprint.com	No
Sprint Nextel (09)		douglas.c.nelson@sprint.com	No
Tom Hawkins		Hawkclub@gmail.com	No
tw telecom of florida l.p.	TA013	Carolyn.Ridley@twtelecom.com	No
Verizon Access Transmission Services	TA005	david.christian@verizon.com	No
Verizon Florida LLC (10ATL)		de.oroark@verizon.com	No
Withlacoochee River Electric Cooperative, Inc.	EC916	bbrown@wrec.net	No
XO Communications Services, Inc.	TX205	john.ivanuska@xo.com	No

MCD
Gov. ofc.
Hernando
(3) 99011-EU

faxed 4
mailed 10
emailed 46

**FLORIDA PUBLIC SERVICE COMMISSION
CASE MANAGEMENT SYSTEM
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 090011**

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Mayor, City of Brooksville		jbernardini@cityofbrooksville.us	Yes
Mayor, City of Weeki Wachee		cityofweekiwachee@yahoo.com	Yes

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, May 4, 2010, 9:30 a.m.

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

DATE ISSUED: April 26, 2010

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 agenda item number.

To participate informally, affected persons need only appear at the agenda conference and request the opportunity to address the Commission on an item listed on 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 Rule 25-22.0021, F.A.C., concerning Agenda Conference participation and Rule 25-22.0022, F.A.C., concerning oral argument.

Agendas, staff recommendations, vote sheets, transcripts, and conference minutes are available from the PSC Web site, <http://www.floridapsc.com>, by selecting *Agenda & Hearings* and *Agenda Conferences of the FPSC*. By selecting the docket number, you can advance to the *Docket Details* page and the Document Index Listing for the particular docket. If you have any questions, contact the Office of Commission Clerk at (850) 413-6770 or e-mail the clerk at Clerk@psc.state.fl.us.

Any person requiring some accommodation at this conference because of a physical impairment should call the Office of Commission Clerk at least 48 hours before the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD). Assistive Listening Devices are available in the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Commission Conference has a live video broadcast the day of the conference, which is available from the PSC's Web site. Upon completion of the conference, the video will be available from the Web site by selecting *Agenda and Hearings*, *Audio and Video Event Coverage*, and *Archives of PSC Audio and Video Events*.

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ITEM NO.

CASE

1 **Approval of Minutes**
March 16, 2010 and April 6, 2010 Regular Commission Conference

2** **Consent Agenda**

PAA A) Application for certificate to provide competitive local exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
100163-TX	Crexendo Business Solutions, Inc.

PAA B) Application for certificate to provide pay telephone service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
100151-TC	DSI-ITI, LLC

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

ITEM NO.

CASE

3**PAA

Docket No. 040763-TP – Request for submission of proposals for relay service, beginning in June 2005, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: RAD: Casey

GCL: Tan

SSC: Moses

Issue 1: Should the Commission approve FTRI's proposed budget as outlined in Attachment A of staff's memorandum dated April 23, 2010, for the fiscal year 2010-2011, effective July 1, 2010, and should the Commission maintain the current Telecommunications Relay Service (TRS) surcharge of \$0.11 per month?

Recommendation: Staff recommends that the Commission approve FTRI's proposed budget operating revenue of \$9,871,383, and proposed budget expenses of \$13,950,655 as outlined in Attachment A, for the fiscal year 2010-2011, effective July 1, 2010, with one exception. Staff recommends a decrease of \$798,047 in Relay Provider Services. Staff also recommends that the TRS surcharge be maintained at \$0.11 per month for the fiscal year 2010-2011, effective July 1, 2010. The Commission should order the incumbent local exchange companies, competitive local exchange companies, and shared tenant providers to continue to bill the \$0.11 surcharge for the fiscal year 2010-2011, effective July 1, 2010.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open for the duration of the contract period with Sprint as the relay provider. This docket is used to monitor relay and contract issues that arise during the contract term.

ITEM NO.

CASE

4**PAA

Docket No. 090011-EU – Complaint and petition to rescind approval of territorial agreement between Progress Energy Florida, Inc. and Withlacoochee River Electric Cooperative, Inc. by Mark Williams, as Trustee of S.A. Williams Trust, and S.A. Williams Corporation.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Argenziano

Staff: GCL: Brown

ECR: Daniel, Rieger

Issue 1: Should the Commission approve the joint petition to amend the territorial agreement between Progress Energy Florida, Inc. (PEF) and Withlacoochee River Electric Cooperative (WREC), and acknowledge the voluntary dismissal without prejudice of Mr. Williams' complaint and petition?

Recommendation: Yes. The joint petition to amend the territorial agreement between PEF and WREC should be approved. Additionally, the Commission should acknowledge the voluntary dismissal without prejudice of Mr. Williams' complaint and petition.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected files a protest to the Commission's proposed agency action order within 21 days, the docket may be closed upon issuance of the consummating order.

ITEM NO.

CASE

5

Docket No. 090538-TP – Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Cox Florida Telcom, L.P.; Broadwing Communications, LLC; and John Does 1 through 50 (CLECs whose true names are currently unknown) for rate discrimination in connection with the provision of intrastate switched access services in alleged violation of Sections 364.08 and 364.10, F.S.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: GCL: Tan

RAD: King, Trueblood

(Partial Motion to Dismiss – Oral Argument Requested)

Issue 1: Should the Joint CLECs' and Verizon Access' Requests for Oral Argument on their Motions be granted?

Recommendation: No, the Requests for Oral Argument should not be granted. Staff believes that the parties' filings have provided sufficient information regarding the Motions at issue. Consequently, staff recommends that the Commission should not hear oral argument from the parties. However, should the Commission decide to grant oral argument, staff recommends that each side be allowed ten minutes to present its argument.

Issue 2: Should the Joint CLECs' Partial Motion to Dismiss and Verizon Access' Motion to Dismiss Reparations Claim be granted?

Recommendation: Yes. The Joint CLECs' Partial Motion to Dismiss and Verizon Access' Motion to Dismiss Reparations Claim should be granted to the extent Qwest seeks monetary damages or injunctive relief. Staff believes the Commission lacks the authority to (a) issue injunctions or (b) award damages. However, staff notes that the Commission has the authority to order refunds, if applicable.

Issue 3: Should Verizon Access' Motion for Summary Final Order Dismissing All Other Claims Against Verizon Access be granted?

Recommendation: No. A conclusive showing that there is no genuine issue of material fact in dispute cannot be made until there has been adequate time for the discovery process and testimony. Therefore, staff recommends that Verizon Access' Motion for Summary Final Order should be denied without prejudice.

Issue 4: Should this docket be closed?

Recommendation: No. If the Commission approves or denies staff's recommendations in Issue 2 and 3, this docket should remain open. However, if the Commission denies staff's recommendation in Issue 3 and grant the motion for summary final judgment, Verizon Access should be removed as a party.

ITEM NO.

CASE

6**PAA

Docket No. 090245-TP – Petition for limited designation as eligible telecommunications carrier (ETC) by Virgin Mobile USA, L.P.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Argenziano

Staff: RAD: Beard, Casey

GCL: Tan

Issue 1: Should Virgin Mobile be granted limited ETC status in Florida for the purpose of offering Lifeline discounts to qualifying consumers in Florida?

Recommendation: Yes. Staff recommends that Virgin Mobile be granted limited ETC designation status in the AT&T, Verizon, and CenturyLink wire centers listed in Attachment B of staff's memorandum dated April 23, 2010, for the sole purpose of offering Lifeline discounts to qualifying consumers in Florida. Granting of ETC designation should be contingent on Virgin Mobile providing the following:

- E911 compliant handsets should be provided to Virgin Mobile's new Lifeline customers and Virgin Mobile should replace any non-compliant handsets for its existing customers who are approved as Lifeline customers at no charge;
- Each Lifeline customer shall receive 200 free anytime minutes each month;
- Self-certification of Virgin Mobile Lifeline customers under penalty of perjury once service has been activated. In addition to the PSC's annual Lifeline verification eligibility requirement, annual certification verifying that the head of household is only receiving Lifeline discounts from Virgin Mobile;
- Tracking of Lifeline customer's primary residential address and certification that there is only one customer receiving Virgin Mobile Lifeline at each residential address;
- Virgin Mobile should deal directly with its customers who do not utilize the Lifeline Automatic Enrollment function, to certify and verify Lifeline eligibility; and
- Submission of a quarterly report showing the number of customers who have been deactivated for not having any activity on their phone in a 60-day period, not passing annual verification, and voluntarily being deactivated.

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

7**

Docket No. 100148-EQ – Petition for approval of revisions to renewable energy tariff, by Florida Public Utilities Company.

Critical Date(s): 11/26/10 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: RAD: Lewis

GCL: Brown

Issue 1: Is the standard offer contract filed by Florida Power Utilities Company in compliance with Rules 25-17.200 through 25-17.310, F.A.C.?

Recommendation: Yes. The Standard Offer Contract proposed by FPUC is in compliance with Rules 25-17.200 through 25-17.310, F.A.C., and therefore should be approved.

Issue 2: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation to approve the proposed Standard Offer Contract and tariffs filed by FPUC, and no person whose substantial interests are affected requests a hearing to address this matter, then Docket No. 100148-EQ should be closed upon issuance of a consummating order, and the Standard Offer Contracts and tariffs filed by FPUC should be effective as of the date of the Commission's vote. If Issue 1 is approved, this tariff should become effective on May 4, 2010. If a protest is filed within 21 days of the issuance of the Commission's order, the tariffs should remain in effect pending resolution of the protest. Potential signatories to the standard offer contract should be aware that FPUC's tariffs and standard offer contracts may be subject to a request for hearing, and if a hearing is held, may subsequently be revised.

ITEM NO.

CASE

8**PAA

Docket No. 090537-EQ – Petition for approval of amended negotiated purchase power contract with BG&E of Florida, LLC by Progress Energy Florida.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: RAD: Matthews, Gilbert

ECR: Franklin

GCL: Fleming

Issue 1: Should the petition submitted by Progress Energy Florida, Inc. requesting approval of the amended contract with BG&E of Florida, LLC, be approved?

Recommendation: Yes. As in the original contract, the rates, terms, and conditions of the amended agreement can reasonably be expected to contribute toward the deferral or avoidance of additional capacity construction by PEF. The net present value (NPV) of the total contract payments represent an expected savings of \$47 million as compared to the cost of as-available energy using the current avoided unit and the most current fuel forecast at the time the contract was negotiated. Also, due to the reduced committed capacity, the NPV of the total payments is approximately \$74 million less than those under the original contract.

Issue 2: Should this docket be closed?

Recommendation: Yes, this docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action.

ITEM NO.

CASE

9**PAA

Docket No. 100174-TP – Request of Matrix Telecom, Inc. for waiver of Rule 25-4.118, FAC, Local, Local Toll or Toll Provider Selection regarding a transaction where Matrix will acquire substantially all of the assets and customers of Comtel Telcom Assets LP, and request for cancellation of Comtel Telcom Assets LP's CLEC Certificates No. 5687, 4695, 4699 and IXC Registration Nos. TK025, TK028, and TK029.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: RAD: Lowery, M. Watts
GCL: Brooks

Issue 1: Should the Commission approve the request for waiver of the carrier selection requirements of Rule 25-4.118, F.A.C., in the transfer of local and long distance customers to Matrix Telecom, Inc. from Comtel Telcom Assets LP?

Recommendation: Yes, the Commission should approve the request for waiver of the carrier selection requirements of Rule 25-4.118, F.A.C. Any waiver approved by the Commission should only apply to the specific set of customers identified in the petition. The petitioners should be required to provide the Commission notification of the actual date when the transaction is consummated. If for any reason the transaction is not consummated, any waiver approved by the Commission shall be null and void.

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 order should become final upon issuance of a consummating order. This docket should remain open pending the cancellation of Comtel's CLEC Certificates and IXC Registrations. Upon completion of these actions, this docket should be closed administratively.

ITEM NO.

CASE

10**

Docket No. 100094-WS – Notice of appointment of receiver for Service Management Systems, Inc. in Brevard County pursuant to Circuit Court foreclosure proceeding.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Daniel, Kaproth, J. Williams

GCL: Fleming, A. Williams

Issue 1: Should the Commission acknowledge the appointment of Mr. Dennis Basile as receiver for Service Management Systems, Inc.?

Recommendation: Yes. The Commission should acknowledge the appointment of Mr. Dennis Basile as receiver for SMS effective February 3, 2010. The territory previously approved for this utility is described in Attachment A of staff's memorandum dated April 23, 2010. The resultant order should serve as SMS's Certificate Nos. 517-W and 450-S and should be retained by the utility. The rates and charges approved for the utility should be continued until authorized to be changed by the Commission in a subsequent proceeding. The receiver should ensure that utility pays its 2009 RAFs and files the 2009 annual report by June 30, 2010.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending payment of the 2009 RAFs and filing of the 2009 Annual Report. Upon payment of the utility's 2009 RAFs and filing of the utility's 2009 Annual Report, this docket should be closed administratively.

ITEM NO.

CASE

11**

Docket No. 090521-WS – Application for amendment of Certificates 247-S and 353-W to extend water and wastewater service areas to include certain land in Charlotte County by North Fort Myers Utility, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Walden

GCL: Jaeger

Issue 1: Should the Commission approve North Fort Myers Utility, Inc.'s application for amendment of Certificates 247-S and 353-W to extend water and wastewater service areas to include certain land in Charlotte County?

Recommendation: Yes, the Commission should approve North Fort Myers Utility, Inc.'s application to expand its territory into Charlotte County and amend Certificates 247-S and 353-W. The proposed territory is described in Attachment A of staff's memorandum dated April 23, 2010. The resultant order should serve as NFMU's certificates and the order should be retained by the Utility. NFMU should charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves Staff's recommendation in Issue 1, no further action is required and the docket should be closed.

ITEM NO.

CASE

12**

Docket No. 090170-WU – Application for staff-assisted rate case in Lee County by Mobile Manor Water Company, Inc.

Critical Date(s): 09/07/10 (15-Month Effective Date (SARC))-Waived

Commissioners Assigned: Edgar, Skop, Stevens
Prehearing Officer: Edgar

Staff: ECR: Smith, Fletcher, Hudson, Maurey
GCL: Jaeger

Issue 1: Should the Commission approve the proposed Settlement Agreement?

Recommendation: Yes. The proposed Settlement Agreement should be approved. Within 15 days of the Commission vote, Mobile Manor should file a proposed customer notice and revised tariff sheets which are consistent with the Commission's decision. The approved rates should be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475(1), F.A.C., after staff has verified that the proposed customer notice is adequate and the notice has been provided to the customers. The Utility should provide proof that the customers have received notice within 10 days after the date of the notice. With the approval of the Settlement Agreement, the escrowed funds should be released to the Utility.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon the issuance of the final order approving the Settlement Agreement.

Commission Clerk

From: Commission Clerk
Sent: Monday, April 26, 2010 10:30 AM
Subject: Order or Notice issued by the Public Service Commission (Email ID = 202044)
Attachments: MAY04-10.AGN.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

Commission Clerk

From: Commission Clerk
Sent: Monday, April 26, 2010 10:51 AM
Subject: Order or Notice issued by the Public Service Commission (Email ID = 242147)
Attachments: MAY04-10.AGN.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

4/26/2010

Section 1 - Office of Commission Clerk

Docket No. 100174-TX Date Docketed: 04/06/2010 Title: Request for waiver of Rule 25-4.118, FAC, Local, Local Toll or Toll Provider Selection regarding authorization and verification of changes in telecommunications providers and other such relief as proper and necessary, and requesting cancellation of Comtel Telcom Assets LP's CLEC Certificates No. 5687, 4695, 4699 and IXC Registration Nos. TK025, TK028, and TK029.

Company: Comtel Telcom Assets LP
 Comtel Telcom Assets LP d/b/a Excel
 Comtel Telcom Assets LP d/b/a Excel
 Comtel Telcom Assets LP d/b/a VarTec
 Comtel Telcom Assets LP d/b/a VarTec
 Comtel Telcom Assets LP d/b/a VarTec

FPSC, CLK - CORRESPONDENCE
~~Administrative Parties Consumer~~
 DOCUMENT NO. 02625-10
 DISTRIBUTION: _____

Official Filing Date: _____ Expiration: _____

Last Day to Suspend: _____

Referred to: _____

("O" indicates OPR)

ADM	APA	CLK	ECR	GCL	PIF	(RAD)	SSC
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Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module B13(b);B1(d);B1(f);B13(c)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff	Staff Assignments	Due Dates	Due Dates	
			Previous	Current
	<input type="checkbox"/> Current CASR revision level			
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Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CLK: _____

Initials OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	AG	ED	SK	KL	ST		

Prehearing Officer

Commissioners					ADM
AG	ED	SK	KL	ST	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: _____

Section 1 - Office of Commission Clerk

Docket No. 100174-TP Date Docketed: 04/06/2010 Title: Request of Matrix Telecom, Inc. for waiver of Rule 25-4.118, FAC, Local, Local Toll or Toll Provider Selection regarding a transaction where Matrix will acquire substantially all of the assets and customers of Comtel Telecom Assets LP, and request for cancellation of Comtel Telecom Assets LP's CLEC Certificates No. 5687, 4695, 4699 and IXC Registration Nos. TK025, TK028, and TK029.

Company: Comtel Telecom Assets LP
 Comtel Telecom Assets LP d/b/a Excel
 Comtel Telecom Assets LP d/b/a Excel
 Comtel Telecom Assets LP d/b/a VarTec
 Comtel Telecom Assets LP d/b/a VarTec
 Comtel Telecom Assets LP d/b/a VarTec

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to: _____

ADM	APA	CLK	ECR	GCL	PIF	(RAD)	SSC
				X		X	

("C" indicates OPR)

Section 2 - OPR Completes and returns to CLK in 10 workdays. Time Schedule

Program Module B7(b);B1(c);B1(f);B13(c) **WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION:(850) 413-6770**

Staff Assignments

OPR Staff	P Lowery, M Watts	<input checked="" type="checkbox"/> Current CASR revision level	Due Dates		
			Previous	Current	
		1.	Staff Recommendation	NONE	04/22/2010
		2.	Agenda	NONE	05/04/2010
		3.	PAA Order	NONE	05/24/2010
		4.	Consummating Order if No Protest	NONE	06/17/2010
		5.	Close Docket or Revise CASR	NONE	07/06/2010
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Recommended assignments for hearing and/or deciding this case:		31.			
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Full Commission <input checked="" type="checkbox"/> Commission Panel _____		33.			
Hearing Examiner _____ Staff _____		34.			
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Date filed with CLK: <u>04/13/2010</u>		36.			
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Initials OPR _____		38.			
Staff Counsel _____		39.			
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Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)						Prehearing Officer							
Commissioners						Hrg Exam	Staff	Commissioners					ADM
ALL	AG	ED	SK	KL	ST			AG	ED	SK	KL	ST	
X												X	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: AG / MM
 Date: 04/13/2010

Section 1 - Office of Commission Clerk

Docket No. 100174-TP Date Docketed: 04/06/2010 Title: Request of Matrix Telecom, Inc. for waiver of Rule 25-4.118, FAC, Local, Local Toll or Toll Provider Selection regarding a transaction where Matrix will acquire substantially all of the assets and customers of Comtel Telecom Assets LP, and request for cancellation of Comtel Telecom Assets LP's CLEC Certificates No. 5687, 4695, 4699 and IXC Registration Nos. TK025, TK028, and TK029, and request for approval of name change on IXC Registration No. T1299 and CLEC Certificate No. 8586 from Matrix Telec...

Company: Comtel Telcom Assets LP
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 Comtel Telcom Assets LP d/b/a VarTec

Official Filing Date: _____ Expiration: _____

Last Day to Suspend: _____

Referred to:

ADM	APA	CLK	ECR	GCL	PIF	(RAD)	SSC
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("()") indicates OPR

Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module B7(b);B1(f);B13(c);B13(b)

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff

P Lowery, M Watts

Current CASR revision level

Due Dates
Previous Current

Staff Counsel

P Evans

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel
 Hearing Examiner Staff

Date filed with CLK: 04/13/2010

Initials OPR _____
 Staff Counsel _____

1.	Close Docket or Revise CASR	NONE	10/13/2010
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	AG	ED	SK	GH	BI		
X							

Prehearing Officer

Commissioners					ADM
AG	ED	SK	GH	BI	
					X

Where panels are assigned the senior Commissioner is Panel Chairman:
 the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: 04/13/2010

Section 1 - Office of Commission Clerk

Docket No. 100174-TP Date Docketed: 04/06/2010 Title: Request of Matrix Telecom, Inc. for waiver of Rule 25-4.118, F.A.C., Local, Local Toll or Toll Provider Selection regarding a transaction where Matrix will acquire substantially all of the assets and customers of Comtel Telecom Assets LP, and request for cancellation of Comtel Telecom Assets LP's CLEC Certificates No. 5687, 4695, 4699 and IXC Registration Nos. TK025, TK028, and TK029.

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 Comtel Telecom Assets LP d/b/a VarTec

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("O" indicates OPR)

ADM	APA	CLK	ECR	GCL	PIF	(RAD)	SSC
				X		X	

Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module B7(b);B1(f);B13(c);B13(b)

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 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff P Lowery, M Watts

Current CASR revision level

Due Dates
 Previous Current

Staff Counsel P Evans

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CLK: 10/08/2010

Initials OPR _____
 Staff Counsel _____

1.	Staff Recommendation (CLEC)	SAME	10/14/2010
2.	Agenda (CLEC)	SAME	10/26/2010
3.	PAA Order (CLEC)	SAME	11/15/2010
4.	Consummating Order if No Protest (CLEC)	SAME	12/09/2010
5.	Close Docket	SAME	01/12/2011
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	AG	ED	SK	GH	BI		
X							

Prehearing Officer

Commissioners					ADM
AG	ED	SK	GH	BI	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: AG/mm
 Date: 10/08/2010