

# **FLORIDA PUBLIC SERVICE COMMISSION**

## **COMMISSION CONFERENCE AGENDA**

**CONFERENCE DATE AND TIME:** July 20, 2004, 9:30 a.m.

**LOCATION:** Room 148, Betty Easley Conference Center

**DATE ISSUED:** July 9, 2004

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### **NOTICE**

Persons affected by Commission action on certain items on this agenda for which a hearing has not been held (other than actions on interim rates in file and suspend rate cases) may be allowed to address the Commission when those items are taken up for discussion at this conference. These items are designated by double asterisks (\*\*) next to the agenda item number.

Included in the above category are items brought before the Commission for tentative or proposed action which will be subject to requests for hearing before becoming final. These actions include all tariff filings, items identified as proposed agency action (PAA), show cause actions and certain others.

To obtain a copy of staff's recommendation for any item on this agenda, contact the Division of the Commission Clerk and Administrative Services at (850) 413-6770. There may be a charge for the copy. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 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 Division of the Commission Clerk and Administrative Services, Betty Easley Conference Center, Room 110.

Video and audio versions of the conference are available and can be accessed live on the PSC Homepage on the day of the Conference. The audio version is available through archive storage for up to three months afterward.

Table of Contents  
Commission Conference Agenda  
July 20, 2004

1**	Consent Agenda.....	2
2	Docket No. 040167-TP – Proposed adoption of Rules 25-4.082, F.A.C., Number Portability, and 25-4.083, F.A.C., Preferred Carrier Freeze; and proposed amendment of Rules 25-4.003, F.A.C., Definitions; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.....	3
3**	Docket No. 040246-WS – Proposed adoption of Rule 25-30.457, F.A.C., Limited Alternative Rate Increase, and Rule 25-30.458, F.A.C., Notice of and Public Information for Application for Limited Alternative Rate Increase. ....	4
4**	Docket No. 040208-EI – Consumer complaint against Florida Power & Light Company by Leticia Callard. ....	5
4A**	Docket No. 040086-EI – Petition to vacate Order No. PSC-01-1003-AS-EI approving, as modified and clarified, the settlement agreement between Allied Universal Corporation and Chemical Formulators, Inc. and Tampa Electric Company and request for additional relief, by Allied Universal Corporation and Chemical Formulators, Inc. ....	6
5**PAA	Docket No. 040488-TP – Complaint of BellSouth Telecommunications, Inc. against IDS Telcom LLC to enforce interconnection agreement deposit requirements. ....	7
6**PAA	Docket No. 040604-TL – Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs. ....	8
7**PAA	Docket No. 030629-TX – Cancellation by Florida Public Service Commission of CLEC Certificate No. 7770 issued to Delta Phones, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and compliance investigation for apparent violation of Rule 25-22.032(5)(a), F.A.C., Customer Complaints. ....	10
8**PAA	Docket No. 040029-EG – Petition for approval of numeric conservation goals by Florida Power & Light Company. ....	11
9**PAA	Docket No. 040030-EG – Petition for approval of numeric conservation goals by JEA.....	12
10**PAA	Docket No. 040031-EG – Petition for approval of numeric conservation goals by Progress Energy Florida, Inc. ....	13
11**PAA	Docket No. 040032-EG – Petition for approval of numeric conservation goals by Gulf Power Company.....	14

Table of Contents  
Commission Conference Agenda  
July 20, 2004

12**PAA	Docket No. 040033-EG – Petition for approval of numeric conservation goals by Tampa Electric Company. ....	15
13**PAA	Docket No. 040034-EG – Petition for approval of numeric conservation goals by Florida Public Utilities Company. ....	16
14**PAA	Docket No. 040035-EG – Petition for approval of numeric conservation goals by Orlando Utilities Commission. ....	17
15	Docket No. 030637-WS – Petition for approval of deletion of territory in Seminole County and for amendment of Certificate Nos. 279-W and 226-S by Florida Water Services Corporation. Docket No. 030667-WS – Application for amendment of Certificate Nos. 247-W and 189-S for extension of water and wastewater service area in Seminole County, by Sanlando Utilities Corporation. ....	18
16**	Docket No. 040247-WS – Application for certificates to provide water and wastewater service in Franklin County by St. James Island Utility Company. ....	19

<u>ITEM NO.</u>	<u>CASE</u>
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| 1** | Consent Agenda   |
| PAA | A) Applications for certificates to provide competitive local exchange telecommunications service. |

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
040542-TX	Blonder Tongue Telephone LLC
040583-TX	Telscape Communications, Inc.
040581-TX	Servi Express Caracol, Inc. d/b/a Telefonica Express

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| PAA | B) Applications for certificates to provide pay telephone service. |
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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
040536-TC	Thomas E. Hendricks III
040539-TC	Linda M. Jay d/b/a Lindav Communications
040580-TC	Edward N. Pollack d/b/a Pollack Enterprises, Inc.
040587-TC	Suzanne C. Brown
040589-TC	Nosoda Vending & Advertising Co., LLC
040608-TC	Erik Lerman d/b/a Smart Tel
040538-TC	Tommy Page d/b/a Tommy Page - EZ Link
040541-TC	Adam D. Bowie

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

ITEM NO.

CASE

2

Docket No. 040167-TP – Proposed adoption of Rules 25-4.082, F.A.C., Number Portability, and 25-4.083, F.A.C., Preferred Carrier Freeze; and proposed amendment of Rules 25-4.003, F.A.C., Definitions; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

Critical Date(s): None

Rule Status: Adoption

Commissioners Assigned: All Commissioners

Prehearing Officer: Davidson

Staff: GCL: Cibula

CMP: Kennedy

ECR: Hewitt

**(Participation is limited to Commissioners and staff.)**

Issue 1: Should the Commission adopt changes to proposed Rules 25-4.082, 25-4.083, and 25-24.490, Florida Administrative Code, to address US LEC/XO's and JAPC staff's comments?

Recommendation: Yes. The Commission should adopt proposed Rules 25-4.082, 25-4.083, and 25-24.490 with changes, as set forth in Attachment A of staff's July 8, 2004 memorandum.

Issue 2: Should the rules be filed for adoption with the Secretary of State and the docket closed?

Recommendation: Yes. A Notice of Change should be published in the Florida Administrative Weekly. After the notice is published, the rules may be filed for adoption with the Secretary of State and the docket may then be closed.

ITEM NO.

CASE

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3\*\*

Docket No. 040246-WS – Proposed adoption of Rule 25-30.457, F.A.C., Limited Alternative Rate Increase, and Rule 25-30.458, F.A.C., Notice of and Public Information for Application for Limited Alternative Rate Increase.

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Davidson

Staff: GCL: Moore, Jaeger

ECR: Hewitt, Rendell, Willis

Issue 1: Should the Commission propose the adoption of new rules, Rule 25-30.457, Florida Administrative Code, entitled Limited Alternative Rate Increase, and Rule 25-30.458, Florida Administrative Code, entitled Notice of and Public Information for Application for Limited Alternative Rate Increase?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules as proposed should be filed for adoption with the Secretary of State and the docket closed.

ITEM NO.	CASE
4**	<p data-bbox="380 317 1528 390">Docket No. 040208-EI – Consumer complaint against Florida Power &amp; Light Company by Leticia Callard.</p> <p data-bbox="380 432 672 464">Critical Date(s): None</p> <p data-bbox="380 506 976 579">Commissioners Assigned: All Commissioners Prehearing Officer: Administrative</p> <p data-bbox="380 621 675 684">Staff: GCL: Gervasi ECR: Kummer</p> <p data-bbox="380 726 1528 800"><u>Issue 1:</u> Should the late-filed request for formal hearing on PAA Order No. PSC-04-0397-PAA-EI be granted?</p> <p data-bbox="380 800 1528 905"><u>Recommendation:</u> Yes. The doctrine of equitable tolling should be invoked to grant the late-filed request for hearing. Moreover, the request substantially complies with the requirements of Rule 28-106.201(2), Florida Administrative Code.</p> <p data-bbox="380 905 1032 936"><u>Issue 2:</u> Should Docket No. 040208-EI be closed?</p> <p data-bbox="380 936 1528 1010"><u>Recommendation:</u> No. Docket No. 040208-EI should be kept open pending resolution of the protest to PAA Order No. PSC-04-0397-PAA-EI.</p>

ITEM NO.

CASE

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4A\*\*

Docket No. 040086-EI – Petition to vacate Order No. PSC-01-1003-AS-EI approving, as modified and clarified, the settlement agreement between Allied Universal Corporation and Chemical Formulators, Inc. and Tampa Electric Company and request for additional relief, by Allied Universal Corporation and Chemical Formulators, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners  
Prehearing Officer: Jaber

Staff: GCL: Brown, Stern  
ECR: Draper

Issue 1: Should the Commission deny the requests for confidential classification of the highlighted portions of Document Nos. 01404-04, 04796-04 and 05528-04?

Recommendation: Yes. The information contained in these documents has been disclosed without seal in the court record of the Allied-Odyssey lawsuit in the Miami-Dade circuit court, and thus does not meet the criteria for confidential treatment found in section 366.093(3), Florida Statutes, or Commission Rule 25-22.006(4)(d), Florida Administrative Code.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open.



ITEM NO.

CASE

5\*\*PAA

Docket No. 040488-TP – Complaint of BellSouth Telecommunications, Inc. against IDS  
Telcom LLC to enforce interconnection agreement deposit requirements.

Critical Date(s): 7/21/04 (Service to IDS may be terminated by BellSouth if the  
Commission does not render a decision by this date.)

Commissioners Assigned: All Commissioners

Prehearing Officer: Jaber

Staff: CMP: Barrett

GCL: Christensen

Issue 1: Pursuant to the terms of the Interconnection Agreement, can BellSouth collect a  
security deposit from IDS? If so, what is the appropriate amount?

Recommendation: Yes. Under the terms of the Interconnection Agreement,  
BellSouth is entitled to collect a security deposit from IDS; however, the amount  
BellSouth is requesting is inappropriate. Therefore, as an interim measure, subject to  
true-up, IDS should place \$2 million in an escrow account within 7 calendar days of the  
Commission's vote on this item until a final deposit amount can be determined by this  
Commission, or negotiated by the parties. IDS should provide the Commission with  
proof that the escrow account has been established within the designated time frame. If  
IDS does not establish an escrow account as per this Commission's vote, then BellSouth  
should be allowed to enforce the deposit provisions of the Interconnection Agreement.

Issue 2: Should the Commission grant the IDS Counterclaim?

Recommendation: No. The Commission should not grant the IDS Counterclaim. Staff  
does not believe that the language IDS seeks to adopt in Docket No. 040611-TP has  
retroactive application, and thus has no direct impact on the current dispute addressed  
herein. Staff believes the language in place on the date the Petitioner brought forth this  
matter is the only language this Commission should consider.

Issue 3: Should this docket be closed?

Recommendation: No. This docket should be remain open until a final deposit amount  
is determined or pending further proceedings.

ITEM NO.

CASE

6\*\*PAA

Docket No. 040604-TL – Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: C. Williams, Bulecza-Banks, Casey

FLL: Fogleman

GCL: Teitzman

Issue 1: Should the Commission adopt the National School Lunch free lunch program (NSL) for purposes of determining eligibility in the Lifeline and Link-Up programs in Florida consistent with the federal program?

Recommendation: Yes. Staff recommends that the Commission adopt the National School Lunch free lunch program (NSL) for purposes of determining eligibility in the Lifeline and Link-Up programs in Florida.

Issue 2: Should the Commission adopt an income-based eligibility criterion for consumers with incomes at or below 135% of the Federal Poverty Guidelines (FPG) for purposes of determining eligibility in the Lifeline and Link-Up programs in Florida consistent with the federal program?

Recommendation: Yes. Staff recommends that the Commission adopt an income-based eligibility criterion for consumers with incomes at or below 135% of the Federal Poverty Guidelines (FPG) for purposes of determining eligibility in the Lifeline and Link-Up programs in Florida.

Issue 3: Should the Commission modify Florida's Lifeline program to allow the addition of a self-certification option?

Recommendation: Yes. In addition to the standard certification currently in place, staff recommends that the Commission allow Florida consumers that qualify for Lifeline assistance the option of electing a self-certification process. The amount of Lifeline assistance provided would be based on the type of certification chosen by the consumer. ETCs should be directed to disclose to consumers both Lifeline certification processes available, along with the Lifeline credits available under each process. Further, the industry should be directed, in coordination with FPSC staff and the Office of Public Counsel, to efficiently implement this option for Florida's citizens.

Issue 4: Should the Commission require ETCs, on an annual basis, to file reports identifying the number of applicants applying for Lifeline and Link-up, the number of applicants approved for Lifeline and Link-up, the method of certification the applicant used, and whether the approved applicant will receive \$8.25 or \$13.50 in assistance.

Recommendation: Yes. Staff recommends that the Commission require ETCs, on an annual basis, to file reports identifying the number of applicants applying for Lifeline and

ITEM NO.

CASE

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6\*\*PAA

Docket No. 040604-TL – Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs.

(Continued from previous page)

Link-up, the number of applicants approved for Lifeline/Link-up, the method of certification the applicant used, and whether the approved applicant received \$8.25 or \$13.50 in assistance.

Issue 5: Should this docket be closed.

Recommendation: Yes. If no person whose interests are substantially affected by the proposed agency action files a protest within the 21-day protest period, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

7\*\*PAA

Docket No. 030629-TX – Cancellation by Florida Public Service Commission of CLEC Certificate No. 7770 issued to Delta Phones, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and compliance investigation for apparent violation of Rule 25-22.032(5)(a), F.A.C., Customer Complaints.

Critical Date(s): None

Commissioners Assigned: ~~All Commissioners~~ **Baez, Deason, Bradley, Davidson**  
Prehearing Officer: Administrative

Staff: CMP: Isler  
GCL: McKay

Issue 1: Should the Commission reconsider its vote from the March 16, 2004 Agenda Conference; grant the company cancellation of its certificate with an effective date of June 17, 2004, due to bankruptcy; notify the Division of the Commission Clerk and Administrative Services that any unpaid Regulatory Assessment Fees, including statutory penalty and interest charges, should not be sent to the Florida Department of Financial Services and request permission to write off the uncollectible amounts; and require Delta Phones, Inc. to immediately cease and desist providing competitive local exchange (CLEC) service in Florida?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Yes.

ITEM NO.	CASE
8**PAA	<p data-bbox="380 317 1528 390">Docket No. 040029-EG – Petition for approval of numeric conservation goals by Florida Power &amp; Light Company.</p> <p data-bbox="380 428 1333 464">Critical Date(s): 1/1/05 (New conservation goals must be set by this date.)</p> <p data-bbox="380 501 976 575">Commissioners Assigned: All Commissioners Prehearing Officer: Deason</p> <p data-bbox="380 613 862 686">Staff: ECR: Harlow, Colson, Sickel GCL: Vining</p> <p data-bbox="380 724 1528 798"><u>Issue 1:</u> Should the Commission approve Florida Power &amp; Light Company’s numeric conservation goals for the 2005 through 2014 period?</p> <p data-bbox="380 800 1528 978"><u>Recommendation:</u> Yes. The programs, assumptions, and evaluation methodology used by FPL to develop its proposed numeric goals are reasonable and adequately meet the requirements of Rule 25-17.0021, Florida Administrative Code. FPL appropriately used the RIM and participant tests to determine the cost-effective level of achievable demand-side management (DSM) demand and energy savings.</p> <p data-bbox="380 980 1528 1054"><u>Issue 2:</u> Should Florida Power &amp; Light Company be required to file a Demand-Side Management Plan?</p> <p data-bbox="380 1056 1528 1161"><u>Recommendation:</u> Yes. If staff’s recommendation in Issue 1 is approved, FPL should be required to file a DSM Plan within 90 days of the issuance of the Commission’s consummating order, as required by Rule 25-17.0021(4), Florida Administrative Code.</p> <p data-bbox="380 1163 873 1199"><u>Issue 3:</u> Should this docket be closed?</p> <p data-bbox="380 1201 1528 1266"><u>Recommendation:</u> No. This docket should remain open to allow the Commission to address FPL’s DSM Plan.</p>

ITEM NO.

CASE

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9\*\*PAA

Docket No. 040030-EG – Petition for approval of numeric conservation goals by JEA.

Critical Date(s): 1/1/05 (New conservation goals must be set by this date.)

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: ECR: Haff, Colson, Sickel

GCL: Vining

Issue 1: Should the Commission approve JEA's numeric conservation goals for the 2005-2014 period?

Recommendation: Yes. JEA's evaluation methodology is reasonable and adequately meets the requirements of Rule 25-17.0021, Florida Administrative Code. JEA appropriately evaluated the cost-effectiveness of measures using the RIM test. While two measures were cost-effective, neither could be expected to have enough participation to justify creation of a DSM program. As a result, JEA's proposed zero goals for the 2005-2014 period should be approved.

Issue 2: Should the Commission acknowledge JEA's Demand-Side Management Plan?

Recommendation: Yes. If staff's recommendation in Issue 1 is approved, JEA's numeric conservation goals will be set to zero and JEA should not be required to file a DSM Plan. However, JEA has already filed a DSM Plan, consisting of existing DSM programs, which should be acknowledged by the Commission for informational purposes. JEA should not be required to file program standards.

Issue 3: Should this docket be closed?

Recommendation: Yes. 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
10**PAA	<p data-bbox="380 317 1528 390">Docket No. 040031-EG – Petition for approval of numeric conservation goals by Progress Energy Florida, Inc.</p> <p data-bbox="380 428 1333 464">Critical Date(s): 1/1/05 (New conservation goals must be set by this date.)</p> <p data-bbox="380 504 976 577">Commissioners Assigned: All Commissioners Prehearing Officer: Deason</p> <p data-bbox="380 615 821 688">Staff: ECR: Haff, Colson, Sickel GCL: Vining</p> <p data-bbox="380 726 1528 800"><u>Issue 1:</u> Should the Commission approve Progress Energy Florida's numeric conservation goals for the 2005-2014 period?</p> <p data-bbox="380 800 1528 978"><u>Recommendation:</u> Yes. The programs, assumptions, and evaluation methodology used by PEF to develop its proposed numeric goals are reasonable and adequately meet the requirements of Rule 25-17.0021, Florida Administrative Code. PEF appropriately used the RIM and participant tests to determine the cost-effectiveness level of achievable demand and energy savings.</p> <p data-bbox="380 978 1528 1052"><u>Issue 2:</u> Should the Commission approve Progress Energy Florida's Demand-Side Management Plan, including approval for cost recovery?</p> <p data-bbox="380 1052 1528 1199"><u>Recommendation:</u> Yes. The programs contained in PEF's DSM Plan meet the policy objectives of Rule 25-17.001, Florida Administrative Code, and FEECA. The programs are cost-effective and are expected to allow PEF to meet its Commission-prescribed conservation goals.</p> <p data-bbox="380 1199 1528 1272"><u>Issue 3:</u> Should Progress Energy Florida be required to submit detailed program participation standards?</p> <p data-bbox="380 1272 1528 1451"><u>Recommendation:</u> Yes. PEF should file program participation standards within 30 days of the issuance of the Consummating Order in this docket. Consistent with past Commission practice, staff should be allowed to administratively approve the program participation standards if they conform to the description of the programs contained in PEF's DSM Plan.</p> <p data-bbox="380 1451 870 1486"><u>Issue 4:</u> Should this docket be closed?</p> <p data-bbox="380 1486 1528 1598"><u>Recommendation:</u> Yes. 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.</p>

ITEM NO.	CASE
11**PAA	<p data-bbox="380 317 1528 390">Docket No. 040032-EG – Petition for approval of numeric conservation goals by Gulf Power Company.</p> <p data-bbox="380 428 1333 464">Critical Date(s): 1/1/05 (New conservation goals must be set by this date.)</p> <p data-bbox="380 501 976 575">Commissioners Assigned: All Commissioners Prehearing Officer: Deason</p> <p data-bbox="380 613 862 686">Staff: ECR: Harlow, Colson, Sickel GCL: Vining</p> <p data-bbox="380 724 1528 798"><u>Issue 1:</u> Should the Commission approve Gulf Power Company’s numeric conservation goals for the 2005 through 2014 period?</p> <p data-bbox="380 800 1528 978"><u>Recommendation:</u> Yes. The programs, assumptions, and evaluation methodology used by Gulf to develop its proposed numeric goals are reasonable and adequately meet the requirements of Rule 25-17.0021, Florida Administrative Code. Gulf appropriately used the RIM test to determine the cost-effective level of achievable demand-side management (DSM) demand and energy savings.</p> <p data-bbox="380 980 1528 1054"><u>Issue 2:</u> Should Gulf Power Company be required to file a Demand-Side Management Plan?</p> <p data-bbox="380 1056 1528 1161"><u>Recommendation:</u> Yes. If staff’s recommendation in Issue 1 is approved, Gulf should be required to file a DSM Plan within 90 days of the issuance of the Commission’s consummating order, as required by Rule 25-17.0021(4), Florida Administrative Code.</p> <p data-bbox="380 1163 873 1199"><u>Issue 3:</u> Should this docket be closed?</p> <p data-bbox="380 1201 1528 1266"><u>Recommendation:</u> No. This docket should remain open to allow the Commission to address Gulf’s DSM Plan.</p>



ITEM NO.	CASE
12**PAA	<p data-bbox="380 317 1528 390">Docket No. 040033-EG – Petition for approval of numeric conservation goals by Tampa Electric Company.</p> <p data-bbox="380 428 1333 464">Critical Date(s): 1/1/05 (New conservation goals must be set by this date.)</p> <p data-bbox="380 501 976 575">Commissioners Assigned: All Commissioners Prehearing Officer: Deason</p> <p data-bbox="380 613 821 686">Staff: ECR: Haff, Colson, Sickel GCL: Vining</p> <p data-bbox="380 724 1528 795"><u>Issue 1:</u> Should the Commission approve Tampa Electric Company's numeric conservation goals for the 2005-2014 period?</p> <p data-bbox="380 798 1528 976"><u>Recommendation:</u> Yes. The programs, assumptions, and evaluation methodology used by TECO to develop its proposed numeric goals are reasonable and adequately meet the requirements of Rule 25-17.0021, Florida Administrative Code. TECO appropriately used the RIM and participant tests to determine the cost-effectiveness level of achievable demand and energy savings.</p> <p data-bbox="380 978 1528 1052"><u>Issue 2:</u> Should Tampa Electric Company be required to file a Demand-Side Management Plan?</p> <p data-bbox="380 1054 1528 1192"><u>Recommendation:</u> Yes. If the Commission approves staff's recommendation in Issue 1, TECO should be required to file a DSM Plan within 90 days of the issuance of the Commission's Consummating order, as required by Rule 25-17.0021(4), Florida Administrative Code.</p> <p data-bbox="380 1194 873 1230"><u>Issue 3:</u> Should this docket be closed?</p> <p data-bbox="380 1232 1528 1302"><u>Recommendation:</u> No. This docket should remain open to allow the Commission to address TECO's DSM Plan.</p>

ITEM NO.	CASE
13**PAA	<p data-bbox="380 317 1528 390">Docket No. 040034-EG – Petition for approval of numeric conservation goals by Florida Public Utilities Company.</p> <p data-bbox="380 428 1333 464">Critical Date(s): 1/1/05 (New conservation goals must be set by this date.)</p> <p data-bbox="380 501 976 575">Commissioners Assigned: All Commissioners Prehearing Officer: Deason</p> <p data-bbox="380 613 821 686">Staff: ECR: Haff, Colson, Sickel GCL: Vining</p> <p data-bbox="380 724 1528 795"><u>Issue 1:</u> Should the Commission approve Florida Public Utilities Company's numeric conservation goals for the 2005-2014 period?</p> <p data-bbox="380 798 1528 976"><u>Recommendation:</u> Yes. The programs, assumptions, and evaluation methodology used by FPUC to develop its proposed numeric goals are reasonable and adequately meet the requirements of Rule 25-17.0021, Florida Administrative Code. FPUC appropriately used the RIM and participant tests to determine the cost-effectiveness level of achievable demand and energy savings.</p> <p data-bbox="380 978 1528 1052"><u>Issue 2:</u> Should the Commission approve Florida Public Utilities Company's Demand-Side Management Plan, including approval for cost recovery?</p> <p data-bbox="380 1054 1528 1270"><u>Recommendation:</u> Yes. The programs contained in FPUC's DSM Plan meet the policy objectives of Rule 25-17.001, Florida Administrative Code, and FEECA. The programs are cost-effective and are expected to allow FPUC to meet its Commission-prescribed conservation goals. Consistent with past Commission practice, staff should be allowed to administratively approve the program participation standards at a later date if FPUC's DSM Plan is approved.</p> <p data-bbox="380 1272 873 1308"><u>Issue 3:</u> Should this docket be closed?</p> <p data-bbox="380 1310 1528 1415"><u>Recommendation:</u> Yes. 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.</p>

ITEM NO.	CASE
14**PAA	<p data-bbox="380 317 1541 386">Docket No. 040035-EG – Petition for approval of numeric conservation goals by Orlando Utilities Commission.</p> <p data-bbox="380 428 1333 464">Critical Date(s): 1/1/05 (New conservation goals must be set by this date.)</p> <p data-bbox="380 506 976 575">Commissioners Assigned: All Commissioners Prehearing Officer: Deason</p> <p data-bbox="380 617 862 686">Staff: ECR: Harlow, Colson, Sickel GCL: Vining</p> <p data-bbox="380 728 1541 798"><u>Issue 1:</u> Should the Commission approve Orlando Utilities Commission’s numeric conservation goals for the 2005 through 2014 period?</p> <p data-bbox="380 798 1541 1014"><u>Recommendation:</u> Yes. The programs, assumptions, and evaluation methodology used by OUC are reasonable and adequately meet the requirements of Rule 25-17.0021, Florida Administrative Code. OUC appropriately used the RIM test to determine the cost-effective level of achievable DSM goals, and found that none of the tested measures were cost-effective. Therefore, OUC’s proposed numeric conservation goals of zero for the period 2005 through 2014 should be approved.</p> <p data-bbox="380 1014 1541 1083"><u>Issue 2:</u> Should the Commission acknowledge Orlando Utilities Commission’s DSM Plan?</p> <p data-bbox="380 1083 1541 1272"><u>Recommendation:</u> Yes. If staff’s recommendation in Issue 1 is approved, OUC’s numeric conservation goals will be set at zero and OUC should not be required to file a DSM Plan. However, OUC has already filed a DSM Plan, consisting of existing programs, which should be acknowledged by the Commission for informational purposes. OUC should not be required to file program standards.</p> <p data-bbox="380 1272 873 1308"><u>Issue 3:</u> Should this docket be closed?</p> <p data-bbox="380 1308 1541 1415"><u>Recommendation:</u> 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.</p>

ITEM NO.	CASE
15	<p data-bbox="380 317 1528 422">Docket No. 030637-WS – Petition for approval of deletion of territory in Seminole County and for amendment of Certificate Nos. 279-W and 226-S by Florida Water Services Corporation.</p> <p data-bbox="380 428 1528 533">Docket No. 030667-WS – Application for amendment of Certificate Nos. 247-W and 189-S for extension of water and wastewater service area in Seminole County, by Sanlando Utilities Corporation.</p> <p data-bbox="380 575 672 611">Critical Date(s): None</p> <p data-bbox="380 653 976 722">Commissioners Assigned: All Commissioners Prehearing Officer: Davidson</p> <p data-bbox="380 764 699 833">Staff: ECR: Redemann GCL: Brubaker</p> <p data-bbox="380 875 1528 945"><b>(Motion for reconsideration - oral argument has not been requested; participation is at the Commission's discretion.)</b></p> <p data-bbox="380 951 1528 1020"><u>Issue 1:</u> Should Florida Water Services Corporation's Motion for Reconsideration and Clarification of Order No. PSC-04-0532-AS-WS be granted?</p> <p data-bbox="380 1026 1528 1131"><u>Recommendation:</u> Yes, the Motion should be granted and Order No. PSC-04-0532-AS-WS should be clarified and corrected as set forth in the analysis portion of staff's July 8, 2004 memorandum.</p> <p data-bbox="380 1138 878 1173"><u>Issue 2:</u> Should the dockets be closed?</p> <p data-bbox="380 1180 1528 1249"><u>Recommendation:</u> Yes. If the Commission grants FWSC's Motion, no further action need be taken and the dockets may be closed.</p>

ITEM NO.	CASE
16**	<p>Docket No. 040247-WS – Application for certificates to provide water and wastewater service in Franklin County by St. James Island Utility Company.</p> <p>Critical Date(s): 7/29/04 (Statutory deadline for original certificates pursuant to Section 367.031, Florida Statutes.)</p> <p>Commissioners Assigned: All Commissioners Prehearing Officer: Bradley</p> <p>Staff: ECR: Clapp, Brinkley, Kenny, Lester, Redemann GCL: Gervasi</p> <p><u>Issue 1:</u> Should the application of St. James Island Utility Company for water and wastewater certificates be granted? <u>Recommendation:</u> Yes. St. James Island Utility Company should be granted Certificate Nos. 621-W and 534-S to serve the territory described in Attachment A of staff's July 8, 2004 memorandum. The utility should file an executed and recorded copy of the warranty deeds for the land for the water and wastewater facilities within 30 days of the issuance date of the Order granting the certificates.</p>
PAA	<p><u>Issue 2:</u> What are the appropriate initial water and wastewater rates and return on investment for this utility? <u>Recommendation:</u> The staff-recommended water and wastewater rates, customer deposits, and miscellaneous service charges described in the analysis portion of staff's July 8, 2004 memorandum should be approved. St. James should be required to file tariffs, within 30 days of the consummating order, which reflect the Commission-approved rates and charges. St. James should charge these rates and charges until authorized to change them by this Commission in a subsequent proceeding. The rates should be effective for services rendered or connections made on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, Florida Administrative Code. A return on investment of 9.10% should be approved. The utility should file quarterly monitoring reports for two years for evaluation of the effectiveness of the conservation rates.</p>
PAA	<p><u>Issue 3:</u> What are the appropriate service availability charges for St. James Island Utility Company? <u>Recommendation:</u> The utility's proposed service availability policy and charges set forth within the analysis portion of staff's July 8, 2004 memorandum are appropriate and should be approved effective for connections made on or after the stamped approval date on the tariff sheets.</p>
PAA	<p><u>Issue 4:</u> Should the utility's proposed Allowance for Funds Used During Construction (AFUDC) rate be approved? <u>Recommendation:</u> Yes. The utility's proposed Allowance for Funds Used During Construction rate should be approved. An annual AFUDC rate of 9.10% should be approved with a discounted monthly rate of 0.728583%. The approved rate should be</p>

ITEM NO.

CASE

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16\*\*

Docket No. 040247-WS – Application for certificates to provide water and wastewater service in Franklin County by St. James Island Utility Company.

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applicable for eligible construction projects beginning on or after the date the certificate of authorization is issued.

Issue 5: Should this docket be closed?

Recommendation: Yes. If no protest to the proposed agency action issues is filed by a substantial affected person, a consummating order will issue and the docket should be closed administratively upon receipt of the executed and recorded copy of the warranty deeds.

