

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: May 3, 2005, 9:30 a.m.

LOCATION: Room 148, Betty Easley Conference Center

DATE ISSUED: April 22, 2005

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.

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1	Approval of Minutes April 5, 2005 Regular Commission Conference										
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PAA	A) Applications for certificates to provide competitive local exchange telecommunications service.										
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PAA	D) Request for cancellation of competitive local exchange telecommunications certificate.										
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050198-TX	Teligent Services, Inc.	3/10/2005									

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ITEM NO. _____ CASE _____

2** Consent Agenda

(Continued from previous page)

PAA E) Request for two-year exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE # & LOCATION</u>
050193-TC	Com-Tech Resources, Inc. d/b/a Com-Tech Systems	(386) 252-9662 (386) 252-9661 First Coast #1066 780 S. Nova Road Daytona Beach, FL

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

ITEM NO.

CASE

3

Docket No. 050018–WU – Initiation of deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of Section 367.111(2), Florida Statutes.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: GCL: Cibula

ECR: Devlin

(Decision prior to hearing – participation dependent upon Commission’s vote on Issues 1 and 4.)

Issue 1: Should the Commission grant Aloha’s Request for Oral Argument in regard to Aloha’s Motion for Reconsideration of Order Acknowledging Intervention?

Recommendation: No. Aloha’s Request for Oral Argument in regard to its Motion for Reconsideration should be denied.

Issue 2: Should the Commission grant Aloha’s Motion for Reconsideration of Order Acknowledging Intervention?

Recommendation: No. Aloha’s Motion for Reconsideration of Order Acknowledging Intervention should be denied.

Issue 3: Should the Commission grant Aloha’s Motion to Strike and Amend?

Recommendation: Aloha’s Motion to Strike should be granted. However, Aloha’s Motion to Amend should be denied.

Issue 4: Should the Commission grant Aloha’s Request for Oral Argument in regard to Aloha’s Motion for Abatement?

Recommendation: No. Aloha’s Request for Oral Argument in regard to its Motion for Abatement should be denied.

Issue 5: Should the Commission grant Aloha’s Motion for Abatement?

Recommendation: Yes. Aloha’s Motion for Abatement should be granted. Within seven days of the issuance date of the final order in Docket No. 010503-WU, the parties should file a report indicating the status of Docket No. 010503-WU, which will be used by the Prehearing Officer to take appropriate action to proceed with the case in Docket No. 050018-WU.

Issue 6: Should this docket be closed?

Recommendation: No. This docket should remain open.

ITEM NO.

CASE

4**PAA

Docket No. 000121A-TP – Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (BELLSOUTH TRACK)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: CMP: Harvey, Hallenstein, Kennedy, Simmons

GCL: Teitzman, Scott

Issue 1: Should the Commission adopt the changes to BellSouth's Performance Assessment Plan for Florida as stipulated between BellSouth and the CLEC Coalition in the settlement agreement dated April 18, 2005 (Attachment 1 of staff's April 21, 2005 memorandum)?

Recommendation: Yes. Staff believes the Commission should approve the stipulated changes to BellSouth's Performance Assessment Plan for Florida as referenced in the Settlement Agreement dated April 18, 2005.

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1, the resulting Order will be issued as Proposed Agency Action. The Order will become final upon issuance of a Consummating Order if no person whose substantial interests are affected timely files a protest within 21 days of the issuance of the Order. This Docket should remain open thereafter to continue the review process as adopted in BellSouth's Performance Assessment Plan.

ITEM NO.

CASE

5**PAA

Docket No. 050238-TX – Application for certificate to provide competitive local exchange telecommunications service by USA Telephone Inc. d/b/a Choice One Telecom.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Isler, Kennedy

GCL: McKay

RCA: Vandiver

Issue 1: Should the Commission accept the settlement offer proposed by USA Telephone Inc. d/b/a Choice One Telecom, and grant USA Telephone Inc. Certificate No. 8587 to operate as a competitive local exchange telecommunications company in Florida as provided by Section 364.337(1), Florida Statutes?

Recommendation: Yes. The new certificate should not, however, become active until full compliance with the settlement offer.

Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If Choice One fails to pay the amount of the voluntary contribution (including RAF collection costs), submit the required fees to FTRI, and provide a written report summarizing the fee amounts paid to FTRI within 15 days of the issuance of the Consummating Order resulting in the new certificate not becoming active, staff will notify underlying carriers to discontinue providing the company wholesale local exchange service and the company should be required to immediately cease and desist providing any telecommunications service in Florida. Payment of the voluntary contribution (including RAF collection costs) should be made to the Florida Public Service Commission, identified by docket number, and subsequently deposited in the General Revenue Fund, less the costs associated with the collection of RAFS. RAF collection costs should be deposited in the Public Service Regulatory Trust Fund. This docket should be closed administratively upon either receipt of the payment of the voluntary contribution and verification that required fees have been paid to FTRI, or upon notification to underlying carriers to discontinue providing the company wholesale local exchange service. The company is responsible for the payment of Regulatory Assessment Fees for the entire period it provides telecommunications service in Florida for 2005, whether or not the new certificate becomes active.

ITEM NO.

CASE

6**PAA

Docket No. 050180-TI – Compliance investigation of Tiburon Telecom, Inc. for apparent violation of Section 364.336, F.S., Regulatory Assessment Fees.

Docket No. 050181-TX – Compliance investigation of Tiburon Telecom, Inc. for apparent violations of Rules 25-22.032, F.A.C., Customer Complaints, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: M. Watts

GCL: Teitzman, Rojas

Issue 1: Should the Commission impose a penalty and a cost of collection, together totaling \$500, on Tiburon Telecom, Inc. for its apparent first violation of Section 364.336, F.S., Regulatory Assessment Fees in Docket No. 050180-TI?

Recommendation: Yes.

Issue 2: Should the Commission impose a \$10,000 penalty on Tiburon Telecom, Inc. for its apparent violation of Rule 25-22.032, Florida Administrative Code, Customer Complaints, in Docket No. 050181-TX?

Recommendation: Yes.

Issue 3: Should the Commission impose a penalty and cost of collection, together totaling \$500, on Tiburon Telecom, Inc. for its apparent first violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.835, Florida Administrative Code, in Docket No. 050181-TX?

Recommendation: Yes.

Issue 4: Should this docket be closed?

Recommendation:

Docket No. 050180-TI, Issue 1: Staff recommends that the Order issued from Issue 1 of this recommendation become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order for this docket. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If Tiburon Telecom, Inc. fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing in Docket No. 050180-TI, the facts should be deemed admitted and the right to a hearing waived. If the company fails to pay the penalty in Issue 1 within fourteen (14) calendar days after the issuance of the Consummating Order, Tiburon Telecom, Inc.'s IXC tariff should be canceled and IXC Registration No. TJ714 should be removed from the register administratively and the collection of the past due

ITEM NO.

CASE

6**PAA

Docket No. 050180-TI – Compliance investigation of Tiburon Telecom, Inc. for apparent violation of Section 364.336, F.S., Regulatory Assessment Fees.

Docket No. 050181-TX – Compliance investigation of Tiburon Telecom, Inc. for apparent violations of Rules 25-22.032, F.A.C., Customer Complaints, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. For any payment received applicable to the penalty, including cost of collection, in Issue 1, the cost of collection should be subtracted from the amount received and should be deposited in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. Any monetary amount exceeding the cost of collection should be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. If the company is removed from the register in accordance with the Commission's Order from this recommendation in Docket No. 050180-TI, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. Docket No. 050180-TI should be closed administratively either upon receipt of the payment of the penalties and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon removal of the company from the register.

Docket No. 050181-TX, Issues 2 and 3: Staff recommends that the Order issued from Issues 2 and 3 of this recommendation become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order for this docket. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If Tiburon Telecom, Inc. fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing in Docket No. 050181-TX, the facts should be deemed admitted and the right to a hearing waived. If the company fails to pay the imposed penalties in Issues 2 and 3 within fourteen (14) calendar days after the issuance of the Consummating Order, CLEC Certificate No. 8234 should be canceled administratively and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. For any payment received applicable to the penalty, including cost of collection, in Issue 3, the cost of collection should be subtracted from the amount received and should be deposited in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. Any monetary amount exceeding the cost of collection should be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1),

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CASE

6**PAA

Docket No. 050180–TI – Compliance investigation of Tiburon Telecom, Inc. for apparent violation of Section 364.336, F.S., Regulatory Assessment Fees.

Docket No. 050181–TX – Compliance investigation of Tiburon Telecom, Inc. for apparent violations of Rules 25-22.032, F.A.C., Customer Complaints, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Florida Statutes. If the company’s CLEC certificate is canceled in accordance with the Commission’s Order from this recommendation, the company should be required to immediately cease and desist providing competitive local exchange service in Florida. Docket No. 050181-TX should be closed administratively either upon receipt of the payment of the penalties and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company’s certificate.

Action in one docket should not affect action in the other docket.

ITEM NO.

CASE

7**

Docket No. 041031-TC – Compliance investigation of Bay Public Communications, Inc. for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: CMP: Isler

GCL: Rojas

Issue 1: Should the Commission deny Bay Public Communications, Inc.'s settlement proposal for a voluntary cancellation and instead cancel Pay Telephone Certificate No. 7476 on the Commission's own motion with an effective date of December 31, 2004?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Staff recommends that if the Commission approves staff's recommendation in Issue 1, this docket should be closed as no other issues need to be addressed by the Commission.

ITEM NO.

CASE

8**

Compliance investigations for apparent violation of Section 364.336, Florida Statutes.

Docket No. 040897-TI – International Telcom, Ltd.
Docket No. 040904-TI – Public Telephone Network, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Bradley

Staff: CMP: Isler
 GCL: Scott

Issue 1: Should the Commission accept the settlement offers proposed by the entities listed in Attachment A of staff's April 21, 2005 memorandum to resolve the apparent second violation of Section 364.336, Florida Statutes?

Recommendation: Yes.

Issue 2: Should these dockets be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1, these dockets should be closed upon receipt of the \$500 contribution or cancellation of each entity's intrastate interexchange telecommunications tariff and removal from the register.

ITEM NO.

CASE

9**

Compliance investigations for apparent violation of Section 364.336, Florida Statutes.

Docket No. 040912-TI	–	Maxcess, Inc.
Docket No. 040919-TI	–	Globaltron Communications Corporation
Docket No. 040931-TI	–	Xynergia, Inc.
Docket No. 040982-TI	–	MMG Holdings, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Deason (040919-TI, 040931-TI, 040982-TI)
Bradley (040912-TI)

Staff: CMP: Isler
GCL: Scott, Rojas

Issue 1: Should the Commission accept the settlement offers proposed by the entities listed in Attachment A of staff's April 21, 2005 memorandum to resolve the apparent violation of Section 364.336, Florida Statutes?

Recommendation: Yes.

Issue 2: Should these dockets be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1, these dockets should be closed upon receipt of the \$100 contribution or cancellation of each entity's intrastate interexchange telecommunications tariff and removal from the register.

ITEM NO.

CASE

10**PAA

Docket No. 041426–TC – Compliance investigation of Lane Jones for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: CMP: Isler

GCL: Rojas

Issue 1: Should the Commission cancel Lane Jones' Pay Telephone Certificate No. 8517 on its own motion with an effective date of December 31, 2004, notify the Division of the Commission Clerk and Administrative Services that any unpaid Regulatory Assessment Fee should not be sent to the Florida Department of Financial Services and request permission to write off the uncollectible amount?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If any entity fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. The certificate should be cancelled administratively and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should not be referred to the Florida Department of Financial Services for further collection efforts. This docket should be closed administratively upon cancellation of the company's certificate.

ITEM NO.

CASE

11**PAA

Docket No. 040899-TI – Compliance investigation of World Access Communications Corp. for apparent violation of Section 364.336, Florida Statutes.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Bradley

Staff: CMP: Isler
GCL: Scott

Issue 1: Should the Commission vacate Order No. PSC-04-1246-PAA-TI, issued on December 17, 2004; grant World Access Communications Corp. cancellation of its IXC tariff and removal from the register with an effective date of December 31, 2004, due to bankruptcy; notify the Division of the Commission Clerk and Administrative Services that any unpaid RAFs, including statutory late payment charges, not be sent to the Florida Department of Financial Services and request permission to write off the uncollectible amounts; and require the company to immediately cease and desist providing intrastate interexchange telecommunications service in Florida?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Yes, if no protest is filed and upon issuance of a Consummating Order.

ITEM NO.

CASE

12**PAA

Docket No. 041266-TP – Bankruptcy cancellation by Florida Public Service Commission of IXC Registration No. TJ184 and CLEC Certificate No. 4582 issued to International Exchange Communications, Inc. d/b/a IE Com, effective 10/29/04.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Isler

GCL: Scott

Issue 1: Should the Commission grant International Exchange Communications, Inc. d/b/a IE Com cancellation of its IXC Registration No. TJ184 and tariff and CLEC Certificate No. 4852 with an effective date of October 29, 2004, due to bankruptcy; notify the Division of the Commission Clerk and Administrative Services that any unpaid Regulatory Assessment Fees, including statutory late payment charges, should not be sent to the Florida Department of Financial Services and request permission to write off the uncollectible amounts; and require the company to immediately cease and desist providing intrastate interexchange telecommunications and competitive local exchange service in Florida?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Yes, if no protest is filed and upon issuance of a Consummating Order.

ITEM NO.

CASE

13**

Docket No. 041263–GU – Application for authorization to issue common stock, preferred stock and secured and/or unsecured debt, and to enter into agreements for interest rate swap products, and to exceed limitation placed on short-term borrowings in 2005, by Florida Division of Chesapeake Utilities Corporation.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: ECR: Lester
GCL: Fleming

Issue 1: Should the Commission grant Chesapeake Utilities Corporation’s application to modify Order No. PSC-04-1184-FOF-GU, issued December 1, 2004, in order to include authority to issue up to 100,000 shares of common stock for purposes of administering its Directors Stock Compensation Plan and its Employees Stock Award Plan during the twelve months ending December 31, 2005?

Recommendation: Yes. The Commission should allow the modification to Order No. PSC-04-1184-FOF-GU, in order to grant Chesapeake the authority to issue up to 100,000 shares of common stock for purposes of administering its Directors Stock Compensation Plan and its Employees Stock Award Plan. This will increase the number of shares of common stock Chesapeake is authorized to issue during 2005 from 6,000,000 to 6,100,000.

Issue 2: Should this docket be closed?

Recommendation: No. For monitoring purposes, this docket should remain open until April 28, 2006 to allow the Company to file the required Consummation Report.

ITEM NO.

CASE

14**

Docket No. 040801-SU – Application for grandfather certificate to operate wastewater utility in Okeechobee County by The Vantage Development Corporation.

Critical Date(s): 5/12/05 (Statutory deadline for certificate of authorization.)

Commissioners Assigned: All Commissioners
Prehearing Officer: Bradley

Staff: ECR: Brady, Redemann, Romig
GCL: Rodan

Issue 1: Should The Vantage Development Corporation's application for grandfather certificate be approved?

Recommendation: Yes. The Vantage Development Corporation's application should be approved and the utility should be issued Certificate No. 537-S to serve the territory described in Attachment A of staff's April 21, 2005 memorandum. Within 30 days from the date the utility files its 2004 annual report, the utility should be required provide a statement with supporting documentation that it has established books and records in compliance with the NARUC uniform system of accounts, including the ability to provide separate general ledgers for utility and non-utility records.

Issue 2: What rates and charges should be approved for this utility?

Recommendation: The utility's existing monthly flat rate should be approved until authorized to change by the Commission in a subsequent proceeding. The tariff sheets reflecting this charge should be effective for services rendered or connections made on or after the stamped approval date.

Issue 3: Should this docket be closed?

Recommendation: No. The docket should remain open pending receipt of a statement, with supporting documentation, from the utility that it has established books and records in compliance with the NARUC uniform system of accounts, including the ability to provide separate general ledgers for utility and non-utility records. Upon receipt of such statement, the docket should be administratively closed.

ITEM NO.

CASE

15**

Docket No. 050123–WS – Application for "quick take" amendment of Certificate Nos. 455-W and 389-S in Flagler County by Plantation Bay Utility Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Rieger

GCL: Rodan

Issue 1: Should the Commission acknowledge Plantation Bay's "Quick Take" application to amend Certificate Nos. 455-W and 389-S?

Recommendation: Yes. The Commission should acknowledge Plantation Bay's amendment application to expand its territory. The proposed territory amendment is described in Attachment A of staff's April 21, 2005 memorandum. Plantation Bay should charge the customer in the added territory the rates and charges contained in its tariff until it is authorized by the Commission to change them in a subsequent proceeding.

Issue 2: Should this docket be closed?

Recommendation: Yes. No further action is required and the docket should be closed.

ITEM NO.

CASE

16**

Docket No. 020907–WS – Application for amendment of Certificate Nos. 496-W and 465-S to extend water and wastewater service areas in Lake County by Lake Utility Services, Inc.

Critical Date(s): None

Commissioners Assigned: Deason, Bradley, Davidson
Prehearing Officer: Deason

Staff: GCL: Vining
ECR: Walden

Issue 1: Should the utility’s request to amend its water and wastewater certificates be granted?

Recommendation: Yes. Certificate Nos. 496-W and 465-S held by Lake Utility Services, Inc. should be amended to include the territory listed on Attachment A of staff’s April 21, 2005 memorandum. Lake Utility Services, Inc. should charge the customers in the territory added herein the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

Issue 2: Should the docket be closed?

Recommendation: Yes. If the amendment is approved, there is no further action to be taken by the Commission, and the docket should be closed.

ITEM NO.

CASE

17**

Docket No. 040353-TP – Petition to review and cancel, or in the alternative immediately suspend or postpone, BellSouth Telecommunications, Inc.'s PreferredPack Plan tariffs, by Supra Telecommunications and Information Systems, Inc.

Critical Date(s): None

Commissioners Assigned: Bradley, Davidson, Edgar

Prehearing Officer: Bradley

Staff: GCL: Teitzman

CMP: Moss, Barrett

Issue 1: Should the Commission acknowledge Supra's Notice of Voluntary Withdrawal, without Prejudice, of its Petition?

Recommendation: Yes. The Commission should acknowledge Supra's Notice of Voluntary Withdrawal of its Petition. In addition, the Commission should find that the voluntary withdrawal renders any and all outstanding motions moot.

Issue 2: Should this docket be closed?

Recommendation: Yes. There is nothing further in this docket for this Commission to consider, and the docket should be closed.

