

# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME:** December 6, 2005, 9:30 a.m.

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

**DATE ISSUED:** November 23, 2005

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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.

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	<b>Docket No. 050799-TI</b> – Fusion Telekom, Inc.
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**ITEM NO.** **CASE**

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1                    **Approval of Minutes**  
November 1, 2005 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>
050808-TX	Sprint Long Distance, Inc.

B) Docket No. 050844-EI – Application of Progress Energy Florida, Inc. (“Company”) for authority to issue and sell securities during the twelve months ending December 31, 2006. The maximum principal amount of equity securities, long-term debt securities and other long-term obligations proposed to be issued, sold, or otherwise incurred during 2006 is \$1.5 billion. The maximum principal amount of short-term securities and obligations proposed to be issued, sold, or otherwise incurred during 2006 and 2007 is \$1 billion outstanding at any time.

In connection with this application, the Company confirms that the capital raised pursuant to this application will be used in connection with the activities of Progress Energy Florida, Inc. and not the unregulated activities of its affiliates.

For monitoring purposes, this docket should remain open until April 27, 2007 to allow the Company time to file the required Consummation Report.

**Recommendation:** The Commission should approve the action requested in the dockets referenced above and close these dockets, with the exception of Docket No. 050844-EI which must remain open for monitoring purposes.

**ITEM NO.**

**CASE**

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3

**Docket No. 050551-TP** – Joint application for approval of transfer of control of Sprint-Florida, Incorporated, holder of ILEC Certificate No. 22, and Sprint Payphone Services, Inc., holder of PATS Certificate No. 3822, from Sprint Nextel Corporation to LTD Holding Company, and for acknowledgment of transfer of control of Sprint Long Distance, Inc., holder of IXC Registration No. TK001, from Sprint Nextel Corporation to LTD Holding Company.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** GCL: Scott

CMP: Curry

**(Motion to dismiss - oral argument requested - participation at the Commissioners' discretion.)**

**Issue 1:** Should the Commission grant the Communications Workers of America's (CWA) Request for Oral Argument?

**Recommendation:** No. Staff recommends that oral argument be denied.

**Issue 2:** Should the Commission grant Sprint's Motion to Dismiss CWA's Petition for a Formal Administrative Hearing protesting Order No. PSC-05-0985-PAA-TP?

**Recommendation:** Yes. CWA has failed to adequately allege standing to proceed in this matter. Therefore, the petition should be dismissed and Order No. PSC-05-0985-PAA-TP should be reinstated as a final order.

**Issue 3:** Should this Docket be closed?

**Recommendation:** Yes. If the Commission approves staff's recommendation in Issue 2, this Docket should be closed.

**ITEM NO.**

**CASE**

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4\*\*PAA

**Docket No. 050483-TX** – Petition for designation as eligible telecommunications carrier (ETC) by Budget Phone, Inc.

**Critical Date(s):** None (120-day requirement for a Commission vote waived)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Bradley

**Staff:** CMP: Maduro, Mann, Casey, Bulecza-Banks

GCL: Susac

**Issue 1:** Should Budget be granted ETC status in the State of Florida?

**Recommendation:** Yes. Staff recommends that Budget be granted ETC status in the Verizon and BellSouth wire centers (Shown in Attachment A of staff's November 22, 2005 memorandum). However, Budget should not be granted ETC status in Sprint's service area. Budget should be required, at the time of annual ETC recertification, to demonstrate how it has used the universal service funds within Florida. Budget should also be required to adhere to the new certification and reporting requirements as detailed in the analysis portion of staff's November 22, 2005 memorandum.

**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 within 21 days of the issuance of the Commission Order, this docket should be closed upon issuance of a consummating order.

**ITEM NO.**

**CASE**

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5\*\*PAA

**Docket No. 050802-TX** – Application for certificate to provide competitive local exchange telecommunications service by Inter-Tel NetSolutions, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: McCoy

GCL: McKay

**Issue 1:** Should the Commission accept the settlement offer proposed by Inter-Tel NetSolutions, Inc., and grant Inter-Tel NetSolutions, Inc. Certificate No. 8610 to operate as a competitive local exchange telecommunications company in Florida as provided by Section 364.337(1), Florida Statutes?

**Recommendation:** Yes. The Commission should accept the settlement offer proposed by Inter-Tel NetSolutions, Inc., and grant Inter-Tel NetSolutions, Inc. Certificate No. 8610 to operate as a competitive local exchange telecommunications company in Florida.

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

**Recommendation:** The Order issued from this recommendation will become final and effective, and CLEC Certificate No. 8610 will become active 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. Payment of the voluntary contribution should be made to the Florida Public Service Commission within 30 days after the issuance of the Proposed Agency Action Order, identified by docket number, and subsequently deposited in the General Revenue Fund. This docket should be closed administratively upon receipt of the payment of the voluntary contribution.

**ITEM NO.**

**CASE**

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6\*\*PAA

**Docket No. 050790-TI** – Acknowledgment of cancellation of IXC Registration No. TI370 by Transcommunications, Incorporated, effective December 31, 2005.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Isler

GCL: McKay

**Issue 1:** Should the Commission deny Transcommunications, Incorporated's request for acknowledgment of cancellation and instead cancel the company's tariff and remove IXC Registration No. TI370 from the register on the Commission's own motion with an effective date of December 31, 2005?

**Recommendation:** Yes. The Commission should deny the company's request for acknowledgment of cancellation and instead cancel the company's tariff and remove IXC Registration No. TI370 from the register effective December 31, 2005.

**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 the company 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. If the company fails to pay the Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's tariff should be cancelled administratively, its name removed from the register, 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. If the company's tariff is cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's tariff and removal from the register.

**ITEM NO.**

**CASE**

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7\*\*PAA

Compliance investigations for apparent violation of Section 364.336, F.S.

<b>Docket No. 050705-TI</b>	–	Blackstone Communications Company
<b>Docket No. 050706-TI</b>	–	First Communications, LLC
<b>Docket No. 050707-TI</b>	–	JirehCom, Inc.
<b>Docket No. 050708-TI</b>	–	DanCris Telecom, L.L.C.
<b>Docket No. 050709-TI</b>	–	DSL Telecom, Inc.
<b>Docket No. 050713-TI</b>	–	Telstar International, Inc. d/b/a Telstar USA, Inc.
<b>Docket No. 050714-TI</b>	–	Global Dialtone, Inc.
<b>Docket No. 050715-TI</b>	–	VCV Communications, Inc.
<b>Docket No. 050716-TI</b>	–	BAK Communications, LLC
<b>Docket No. 050717-TI</b>	–	WorldTeq Corporation
<b>Docket No. 050718-TI</b>	–	Nextelcom Corp.
<b>Docket No. 050719-TI</b>	–	NACS Communications, Inc. d/b/a Texcom U.S.A.
<b>Docket No. 050720-TI</b>	–	JF Technology Enterprises, Ltd., Corp.
<b>Docket No. 050721-TI</b>	–	North American Telephone Network, L.L.C.
<b>Docket No. 050725-TI</b>	–	Intelecall Communications, Inc.
<b>Docket No. 050726-TI</b>	–	Global Communications Consulting Corp.
<b>Docket No. 050727-TI</b>	–	1 Com, Inc. d/b/a 1 Com South, Inc.
<b>Docket No. 050728-TI</b>	–	Communicate Technological Systems, LLC
<b>Docket No. 050729-TI</b>	–	Vanilla Inc.
<b>Docket No. 050730-TI</b>	–	ORCA TELECOM, INC
<b>Docket No. 050731-TI</b>	–	Exergy Group, LLC
<b>Docket No. 050732-TI</b>	–	Smart Tech Services, Inc. d/b/a Smartel
<b>Docket No. 050733-TI</b>	–	American Communications, L.L.C.
<b>Docket No. 050741-TI</b>	–	Fox Communications Corporation
<b>Docket No. 050742-TI</b>	–	Saluda Networks Incorporated
<b>Docket No. 050743-TI</b>	–	AS Systems Technology, Corp.
<b>Docket No. 050745-TI</b>	–	MWMS Corporation
<b>Docket No. 050746-TI</b>	–	Worldnet Communications, Inc. d/b/a Worldnet Communications of New York, Inc.
<b>Docket No. 050747-TI</b>	–	Fonotel Communications, Inc.
<b>Docket No. 050748-TI</b>	–	Eurocom Telecommunications, LLC
<b>Docket No. 050749-TI</b>	–	Intelligent Switch Services, LLC
<b>Docket No. 050750-TI</b>	–	Westchester Telecom, Inc.
<b>Docket No. 050755-TI</b>	–	U.S. Telecom Group, Inc.
<b>Docket No. 050756-TI</b>	–	BW Consulting, L.L.C.
<b>Docket No. 050757-TI</b>	–	Centrix Telecom, LLC
<b>Docket No. 050758-TI</b>	–	Kanec (USA), Inc.
<b>Docket No. 050759-TI</b>	–	TCS Communication Solutions, LLC
<b>Docket No. 050760-TI</b>	–	Professional Teleservices, Inc.
<b>Docket No. 050761-TI</b>	–	Empire Technology, Inc.
<b>Docket No. 050762-TI</b>	–	NCS Carriers, Inc.

ITEM NO.

CASE

7\*\*PAA

Compliance investigations for apparent violation of Section 364.336, F.S.

(Continued from previous page)

<b>Docket No. 050763-TI</b>	–	Digizip.com, Inc.
<b>Docket No. 050764-TI</b>	–	Exacta Communications Inc.
<b>Docket No. 050780-TI</b>	–	A & A System Technology Corp.
<b>Docket No. 050781-TI</b>	–	Fortuna Global Services, Inc.
<b>Docket No. 050782-TI</b>	–	MLC Tel Corp.
<b>Docket No. 050783-TI</b>	–	Ringsouth Telecom, Corp
<b>Docket No. 050784-TI</b>	–	Focus International Telecom, LLC d/b/a US Connect
<b>Docket No. 050785-TI</b>	–	DG-TEC, LLC
<b>Docket No. 050786-TI</b>	–	CCD Communications, Inc.
<b>Docket No. 050787-TI</b>	–	Skytel US, Inc.
<b>Docket No. 050788-TI</b>	–	Pan American Telecom, L.L.C.
<b>Docket No. 050789-TI</b>	–	Digital Telecommunications, LLC
<b>Docket No. 050793-TI</b>	–	Poltel, LLC
<b>Docket No. 050794-TI</b>	–	United Telecommunication Services, Inc.
<b>Docket No. 050795-TI</b>	–	CTC Trading LLC
<b>Docket No. 050797-TI</b>	–	Onlinetelcard.com Corp.
<b>Docket No. 050798-TI</b>	–	Empire One Telecommunications, Incorporated
<b>Docket No. 050799-TI</b>	–	Fusion Telekom, Inc.
<b>Docket No. 050800-TI</b>	–	The NTI Corporation d/b/a Chase Communications

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar (050705 through 050733)

Administrative (050741 through 050800)

**Staff:** CMP: Isler

GCL: Scott

**Issue 1:** Should the Commission impose a penalty and a cost of collection, together totaling \$500, or cancel the Intrastate Interexchange Carrier's (IXC) tariff and remove from the register each company identified in Attachment A of staff's November 22, 2005 memorandum, with an effective date of December 31, 2005, for an apparent first violation of Section 364.336, Florida Statutes?

**Recommendation:** Yes. The companies listed in Attachment A of staff's memorandum should be penalized \$500 or have their tariffs and registrations cancelled for nonpayment of the 2004 Regulatory Assessment Fee.

**Issue 2:** Should these dockets be closed?

ITEM NO.

CASE

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7\*\*PAA

Compliance investigations for apparent violation of Section 364.336, F.S.

(Continued from previous page)

**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 company 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. If any company fails to pay the penalty and cost of collection, together totaling \$500, and Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's tariff should be cancelled administratively, its name removed from the register, 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. If any company's tariff is cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. These dockets should be closed administratively either upon receipt of the payment of the penalty and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's tariff and removal from the register.

**ITEM NO.**

**CASE**

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8\*\*PAA

**Docket No. 050704-TI** – Compliance investigation of Discount Utilities, LLC, IXC Registration No. TJ070, for apparent violation of Section 364.336, F.S.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** CMP: Isler

GCL: Teitzman

**Issue 1:** Should the Commission impose a penalty and a cost of collection, together totaling \$1,000, or cancel Discount Utilities, LLC's intrastate interexchange telecommunications company's (IXC) tariff and remove from the register with an effective date of December 31, 2005, for an apparent second violation of Section 364.336, Florida Statutes?

**Recommendation:** Yes. The company should be penalized \$1,000 or have its IXC tariff cancelled and its name removed from the register for nonpayment of the 2004 Regulatory Assessment Fee.

**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 the company 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. If the company fails to pay the penalty and cost of collection, together totaling \$1,000, and Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's IXC tariff should be cancelled and its name removed from the register 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. If the company's tariff is cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the penalty and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's IXC tariff and removal of its name from the register.

**ITEM NO.**

**CASE**

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9\*\*PAA

**Docket No. 050702-TI** – Compliance investigation of QAI, Inc. d/b/a Long Distance Billing, IXC Registration No. TI469, for apparent violation of Section 364.336, F.S.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** CMP: Isler

GCL: Fordham

**Issue 1:** Should the Commission cancel QAI, Inc. d/b/a Long Distance Billing's intrastate interexchange telecommunications company (IXC) tariff and Registration No. TI469 with an effective date of December 31, 2005, and require the company to immediately cease and desist providing intrastate interexchange telecommunications service in Florida, for an apparent fourth violation of Section 364.336, Florida Statutes?

**Recommendation:** Yes. The company's IXC tariff should be cancelled and its name removed from the register for nonpayment of the 2004 Regulatory Assessment Fee for a fourth offense.

**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 the company 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. If the company's tariff and registration are cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. If the company fails to pay the Regulatory Assessment Fee, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the collection of the past due Regulatory Assessment Fee, including statutory late payment charges, should 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 tariff and registration.

**ITEM NO.**

**CASE**

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10\*\*PAA

**Docket No. 050710-TI** – Compliance investigation of Summit Telco, L.L.C., IXC Registration No. TJ469, for apparent violation of Section 364.336, F.S.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** CMP: Isler

GCL: Fordham

**Issue 1:** Should the Commission cancel Summit Telco, L.L.C.'s intrastate interexchange telecommunications company (IXC) tariff and Registration No. TJ469 with an effective date of December 31, 2005, and require the company to immediately cease and desist providing intrastate interexchange telecommunications service in Florida, for an apparent third violation of Section 364.336, Florida Statutes?

**Recommendation:** Yes. The company's IXC tariff should be cancelled and its name removed from the register for nonpayment of the 2004 Regulatory Assessment Fee for a third offense.

**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 the company 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. If the company's tariff and registration are cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. If the company fails to pay the Regulatory Assessment Fee, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the collection of the past due Regulatory Assessment Fee, including statutory late payment charges, should 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 tariff and registration.

**ITEM NO.**

**CASE**

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11\*\*PAA

**Docket No. 050601-EU** – Petition for variance or waiver from individual metering requirements of Rule 25-6.049(5)(a), F.A.C., by Fontainebleau Florida Tower 3, LLC d/b/a Fontainebleau III Ocean Club.

**Critical Date(s):** 12/11/05 (statutory deadline)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Deason

**Staff:** ECR: Baxter

GCL: C. Keating

**Issue 1:** Should the Commission grant Fontainebleau’s request for waiver of the requirements of Rule 25-6.049(5)(a), Florida Administrative Code?

**Recommendation:** Yes. Staff recommends that the requested rule waiver be granted, provided that: (1) Ocean Club allocates the cost of electricity to the individual condominium unit owners using a reasonable apportionment method, as required by Rule 25-6.049(6)(a), Florida Administrative Code; (2) the waiver is effective only so long as the condominium is operated and licensed as a transient occupancy facility; and (3) all or substantially all of the units are operated on a transient basis. At such time the condominium is no longer so operated and licensed, Ocean Club must immediately inform Florida Power & Light Company (FPL), at which time FPL will install individual meters on the occupancy units. In the event such a conversion to individual metering is required, Ocean Club will be solely responsible for the cost of such conversion.

**Issue 2:** 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**

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12\*\*

**Docket No. 050803-SU** – Request for approval of new class of service for bulk wastewater service in Lee County by Forest Utilities, Inc.

**Critical Date(s):** 12/12/05 (60-day suspension date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Hudson

GCL: Gervasi

**Issue 1:** Should Forest Utilities, Inc.'s request for a new class of service for bulk wastewater service be approved?

**Recommendation:** Yes. Forest's request for a new class of service for bulk wastewater service should be approved. The utility should be allowed to charge \$3.14 per 1,000 gallons. The utility's Original Sheet No. 17.1 should be approved as filed. The utility should file a proposed customer notice to reflect the Commission-approved rate. The approved rate should be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475(1), Florida Administrative Code, provided that the notice has been approved by staff. Within 10 days of the date the order is final, the utility should be required to provide notice of the tariff to all customers. The utility should provide proof that the customers have received notice within 10 days after the date the notice was sent.

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

**Recommendation:** Yes. If Issue 1 is approved, the tariff sheet will become effective on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475, Florida Administrative Code. If a protest is filed within 21 days of the issuance date of the Order, the tariff should remain in effect with all increased charges held subject to refund pending resolution of the protest, and the docket should remain open. If no timely protest is filed, the docket should be closed upon the issuance of a Consummating Order.

**ITEM NO.**

**CASE**

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13\*\*

**Docket No. 050819-WU** – Request to establish new class of service for RV park in Lee County, by Tamiami Village Water Company, Inc.

**Critical Date(s):** 12/17/05 (60-day suspension date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Joyce, Rendell

GCL: Jaeger

**Issue 1:** Should Tamiami’s proposed tariff change for the RV park be suspended?

**Recommendation:** Yes. Tamiami’s proposed tariff change for the RV park should be suspended.

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

**Recommendation:** No. The docket should remain open pending the Commission’s final action on the utility’s requested new rate schedule.

**ITEM NO.**

**CASE**

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14\*\*

**Docket No. 050271-WU** – Notice of abandonment of water system in Polk County by The Colinas Group, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Bradley

**Staff:** ECR: Redemann, Kaproth, Rieger

GCL: Gervasi

**Issue 1:** Should the Commission acknowledge the abandonment of the utility system by CGI and the appointment of Polk County as interim successor receiver, and cancel Certificate No. 624-W?

**Recommendation:** Yes. The Commission should acknowledge the abandonment of the utility system by CGI and the appointment of Polk County as interim successor receiver. Moreover, consistent with Section 367.165(3), Florida Statutes, Certificate No. 624-W should be cancelled effective September 1, 2005.

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

**Recommendation:** Yes. Because no further action is necessary, the docket should be closed.

