

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: January 24, 2006, 9:30 a.m.

LOCATION: Room 148, Betty Easley Conference Center

DATE ISSUED: January 13, 2006

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.

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ITEM NO. **CASE**

1 **Approval of Minutes**
 December 20, 2005 Regular Commission Conference

2** **Consent Agenda**

PAA A) 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>
050913-TC	Southeast Pay Telephone, Inc.	954-563-5468 BP Amoco 4389 N. Andrews Avenue Fort Lauderdale

PAA B) Request for cancellation of a shared tenant services certificate.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
050801-TS	Florida Tax Deeds, Inc. d/b/a Senator Building	12/31/2005

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

ITEM NO.

CASE

3**PAA

Docket No. 050879-TL – Petition by BellSouth Telecommunications, Inc. for waiver of Rule 25-4.118(12), F.A.C.

Critical Date(s): 2/14/06 (90-day statutory deadline)

Commissioners Assigned: All Commissioners

Prehearing Officer: Arriaga

Staff: CMP: Buys

GCL: Banks

Issue 1: Should the Commission grant BellSouth’s petition to waive the provision of Rule 25-4.118(12), Florida Administrative Code, that requires BellSouth to answer, 24 hours a day, seven days a week, a toll-free telephone number for accepting slamming complaints and approve BellSouth’s alternative wherein the toll-free telephone number will only be answered during normal business hours?

Recommendation: Yes. The Commission should grant BellSouth’s petition and approve BellSouth’s alternative wherein the toll-free telephone number will only be answered during normal business hours.

Issue 2: Should this docket be closed?

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

ITEM NO.

CASE

4**PAA

Docket No. 050916-TP – Joint petition for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., to allow Sprint Communications Company, Limited Partnership to transfer competitive local exchange customers served via unbundled network element platform (UNE-P) to Trinsic Communications, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Watts

GCL: Scott

Issue 1: Should the Commission approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of Sprint Communications Company, Limited Partnership's customers, served via unbundled network element platform, to Trinsic Communications, Inc?

Recommendation: Yes. The Commission should approve the requested waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code.

Issue 2: Should this docket be closed?

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

ITEM NO.

CASE

5**PAA

Docket No. 050534-TX – Request for cancellation of CLEC Certificate No. 6070 by Atlantic.Net Broadband, Inc. d/b/a Dolfo.Net, effective August 5, 2005.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Isler

GCL: Scott

Issue 1: Should the Commission vacate Order No. PSC-05-1017-PAA-TX, issued on October 19, 2005, as listed on Attachment A of staff's January 12, 2006 memorandum?

Recommendation: Yes, Order No. PSC-05-1017-PAA-TX should be vacated.

Issue 2: Should the Commission acknowledge the name change on the company's CLEC Certificate No. 6070 to Atlantic.Net Broadband, Inc.?

Recommendation: Yes. The company's name should be changed to Atlantic.Net Broadband, Inc.

Issue 3: Should this docket be closed?

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

ITEM NO.

CASE

6**PAA

Docket No. 050632-TP – Bankruptcy cancellation by Florida Public Service Commission of IXC Registration No. TJ480 and CLEC Certificate No. 7742 issued to Comm South Companies, Inc. d/b/a Florida Comm South, effective December 31, 2005.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Isler

GCL: Scott

Issue 1: Should the Commission grant Comm South Companies, Inc. d/b/a Florida Comm South, as listed in Attachment A of staff's January 12, 2006 memorandum, cancellation of its IXC Registration No. TJ480 and tariff and CLEC Certificate No. 7742 with an effective date of December 31, 2005, 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. The company's IXC registration and CLEC certificate should be granted a bankruptcy cancellation with an effective date of December 31, 2005.

Issue 2: Should this docket be closed?

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

ITEM NO.

CASE

7**

Compliance investigations for apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 050620-TX – CariLink International, Inc.
Docket No. 050621-TX – VGM International, Inc.
Docket No. 050628-TX – Smart Network Solutions Communications Corp

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

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 January 12, 2006 memorandum to resolve the apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The settlement proposals should be accepted.

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 certificate.

ITEM NO.

CASE

8**

Docket No. 050675-TC – Compliance investigation of Movie, Television, & Graphics Corp. d/b/a M.T.G., PATS Certificate No. 8051, 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: Scott

Issue 1: Should the Commission accept the settlement offer proposed by Movie, Television, & Graphics Corp. d/b/a M.T.G., as listed in Attachment A of staff's January 12, 2006 memorandum, to resolve the apparent violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The settlement proposal should be accepted.

Issue 2: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

ITEM NO.

CASE

9**

Docket No. 050706-TI – Compliance investigation of First Communications, LLC, IXC Registration No. TJ398, for apparent violation of Section 364.336, F.S.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: CMP: Isler

GCL: Scott

Issue 1: Should the Commission accept the settlement offer proposed by First Communications, LLC, as listed on Attachment A of staff's January 12, 2006 memorandum, to resolve the apparent violation of Section 364.336, Florida Statutes?

Recommendation: Yes. The settlement proposal should be accepted.

Issue 2: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$200 contribution or cancellation of the company's intrastate interexchange telecommunications tariff and removal from the register.

ITEM NO.

CASE

10**

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

Docket No. 050701-TI – Norstan Network Services, Inc.
Docket No. 050744-TI – Movie, Television, & Graphics Corp. d/b/a M.T.G.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Edgar (050701-TI)
Administrative (050744-TI)

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 January 12, 2006 memorandum to resolve the apparent violation of Section 364.336, Florida Statutes?

Recommendation: Yes. The settlement offers should be accepted.

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

11**PAA

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

Docket No. 050703-TI – Telefyne Incorporated
Docket No. 050722-TI – Nevada Telephone, Inc.
Docket No. 050822-TI – International InterConnect, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Edgar (050703-TI, 050722-TI)
Administrative (050822-TI)

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 January 12, 2006 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.

Issue 2: Should these dockets 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 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

12**PAA

Docket No. 050847-EQ – Request for approval of contract with a qualifying facility for purchase of firm capacity and energy by Progress Energy Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Arriaga

Staff: ECR: Sickel

GCL: Keating

Issue 1: Should the petition submitted by Progress Energy Florida (PEF) requesting approval of a contract with a qualifying facility, G2 Energy FL, LLC (G2), for purchase of firm capacity and energy to begin in 2008 be approved?

Recommendation: Yes. Taken as a whole, the contract negotiated between PEF and G2 integrates a renewable energy source into the region. The contract also provides savings estimated at \$13,370,000 present value, compared to the cost of capacity and energy from the designated avoided unit. The petition and the contract comply with the provisions of Rule 25-17.0832, Florida Administrative Code. The approval should become effective on the date the Commission's order becomes final.

Issue 2: Should the firm capacity and energy payments made by PEF under the provisions of this contract be approved for recovery under the Commission's periodic review of purchased power costs?

Recommendation: Yes.

Issue 3: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected files a protest within 21 days of the issuance of the Commission's order approving the petition and contract, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

13**PAA

Docket No. 060005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.

Critical Date(s): 3/31/06 (statutory reestablishment deadline)

Commissioners Assigned: All Commissioners

Prehearing Officer: Tew

Staff: ECR: Biggins, Rendell

GCL: Rodan

Issue 1: Which index should be used to determine price level adjustments?

Recommendation: The Gross Domestic Product Implicit Price Deflator Index is recommended for use in calculating price level adjustments. Staff recommends calculating the 2006 price index by using a fiscal year, four-quarter comparison of the Implicit Price Deflator Index ending with the third quarter 2005.

Issue 2: What percentage should be used by water and wastewater utilities for the 2006 Price Index?

Recommendation: The 2006 Price Index for water and wastewater utilities should be 2.74%.

Issue 3: How should the utilities be informed of the indexing requirements?

Recommendation: Pursuant to Rule 25-30.420(1), Florida Administrative Code, the Division of the Commission Clerk and Administrative Services, after the expiration of the PAA protest period, should mail each regulated water and wastewater utility a copy of the PAA order establishing the index which should contain the information presented in Form PSC/WAW 15 (4/99) and Appendix A (Attachment 1 to staff's January 12, 2006 memorandum). A cover letter from the Director of the Division of Economic Regulation should be included with the mailing of the order (Attachment 2 to staff's January 12, 2006 memorandum). If a protest is filed and a hearing is held, the Division of the Commission Clerk and Administrative Services should mail each regulated water and wastewater utility a copy of the final order establishing the index which should contain the information presented in Form PSC/WAW 15 (4/99) and Appendix A (Attachment 1). A cover letter from the Director of the Division of Economic Regulation should be included with the mailing of the order (Attachment 2).

Issue 4: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon the issuance of the Consummating Order if no substantially affected person files a timely protest within the 14-day protest period after issuance of the PAA Order. Any party filing a protest should be required to prefile testimony with the protest.

ITEM NO.

CASE

14**

Docket No. 000694-WU – Petition by Water Management Services, Inc. for limited proceeding to increase water rates in Franklin County.

Critical Date(s): 8/12/06 (8-month effective date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Kyle, Lingo, Maurey, Willis

GCL: Gervasi

Issue 1: Should the Commission approve WMSI and OPC's Settlement Agreement?

Recommendation: Yes. The Commission should issue a final order approving the Settlement Agreement in its entirety, and the joint protest should be deemed withdrawn.

Issue 2: What are the appropriate water rates?

Recommendation: If the Commission approves the Settlement Agreement, monthly rates as shown on Attachment B of staff's January 12, 2006 memorandum should be effective as permanent rates for service rendered as of the stamped approval date on the tariff sheets, provided customers have received notice required by Rule 25-30.475, Florida Administrative Code. The utility should provide an affidavit to the Commission of the date notice was given to the customers within ten days after the date of the customer notice.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations on Issues 1 and 2, this docket should be closed.

ITEM NO.

CASE

15**

Docket No. 050499-WS – Application for authority to transfer majority organizational control of Utilities, Inc. from Nuon Global Solutions USA, B.V. to Hydro Star, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: ECR: Johnson, Rieger, Romig

GCL: Brown

(Oral argument requested on Issue 2.)

Issue 1: Should the Commission grant Utilities, Inc.’s Request for Oral Argument?

Recommendation: No. Oral argument is not necessary for the Commission to decide on the merits of these motions, and Mr. Duggar has not filed any responses to the motions.

Issue 2: Should the Commission grant Utilities, Inc.’s Motion to Dismiss?

Recommendation: Yes. The Commission should grant Utilities, Inc.’s Motion to Dismiss. The objection fails to adequately allege standing to proceed in this matter. The issues raised are properly addressed by customer complaint or other rate or regulatory proceeding with the regulated operational utility.

Issue 3: Should the transfer of majority organizational control of Utilities, Inc. from Nuon Global Solutions USA, B.V. to Hydro Star, LLC. be approved?

Recommendation: Yes. If the Commission approves staff’s recommendation in issue 2, the transfer of majority organizational control of Utilities, Inc. from Nuon Global Solutions USA, B.V. to Hydro Star, LLC. is in the public interest and should be approved effective the date of the Commission’s vote. Pursuant to Rule 25-9.044(1), Florida Administrative Code, the rates and charges approved for Utilities, Inc.’s Florida utility subsidiaries should be continued until authorized to change by the Commission in a subsequent proceeding.

Issue 4: Should this docket be closed?

Recommendation: If the Commission grants Utilities, Inc.’s motion to dismiss and approves the transfer of majority organizational control, this docket should be closed upon issuance of the Commission’s final order. If the Commission denies the motion to dismiss the Commission should defer decision on the transfer of control and the docket should remain open to address the objection.

ITEM NO.

CASE

16**

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): 06/12/06 (8-month effective date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Joyce, Rendell

GCL: Jaeger

Issue 1: Should Tamiami’s proposed tariff sheet be approved?

Recommendation: Yes. Tamiami’s proposed charges for the general service customer should be approved as filed. The utility’s Ninth Revised Tariff Sheet No. 16.1 should be effective for service rendered on or after staff’s approval pursuant to Rule 25-30.475(1), Florida Administrative Code, provided the customers have received notice and after staff verification that the proposed customer notice is adequate. The utility should provide proof that the customers have received notice within 10 days after the date that the notice was sent.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no protest occurs within 21 days of the issuance of the Order, the Tariff Order will become final upon the issuance of a Consummating Order and the docket should be closed. If a protest is filed within 21 days of the issuance date of the Order, the tariff should remain in effect with the increased revenues held subject to refund pending resolution of the protest, and the docket should remain open.

ITEM NO.

CASE

17**

Docket No. 050895-WS – Request for approval to modify water and wastewater service availability policy in Pasco County by Aloha Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Fletcher, Rendell

GCL: Gervasi

Issue 1: Should Aloha’s request to modify its water and wastewater service availability policy be granted?

Recommendation: Yes. The utility’s request to modify its water and wastewater service availability policy to remove any true-up provision for residential customers should be granted. Thus, Aloha’s First Revised Sheet No. 26.9 for water and First Revised Sheet No. 22.9 for wastewater should be approved as filed.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no timely protest is filed, the docket should be closed upon the issuance of a Consummating Order. If a protest is filed within 21 days of the issuance of the Commission’s Order, the tariff should remain in effect pending resolution of the protest.

ITEM NO.

CASE

18**

Docket No. 050642-WS – Application for amendment of Certificates 567-W and 494-S to extend water and wastewater service areas to include certain land in Lake County by Shangri-La-By-The-Lake Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Walden

GCL: Keating

Issue 1: Should the utility's request to amend its certificates be granted?

Recommendation: Yes. Water Certificate No. 567-W and Wastewater Certificate No. 494-S held by Shangri-La-By-The-Lake Utilities, Inc. should be amended to include the territory listed on Attachment A of staff's January 12, 2006 memorandum. Shangri-La should charge the customers in the added territory the same 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. This docket should be closed because no further action is needed.

ITEM NO.

CASE

19**

Docket No. 050875-WS – Application for amendment of Certificates 567-W and 494-S to extend water and wastewater service areas to include certain land in Lake County by Shangri-La by the Lake Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Arriaga

Staff: ECR: Walden

GCL: Fleming

Issue 1: Should the utility's request to amend its certificates be granted?

Recommendation: Yes. Water Certificate No. 567-W and Wastewater Certificate No. 494-S held by Shangri-La-By-The-Lake Utilities, Inc. should be amended to include the territory listed on Attachment A of staff's January 12, 2006 memorandum. Shangri-La should charge the customers in the added territory the same 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. This docket should be closed because no further action is needed.

ITEM NO.

CASE

20

Docket No. 040156-TP – Petition for arbitration of amendment to interconnection agreements with certain competitive local exchange carriers and commercial mobile radio service providers in Florida by Verizon Florida Inc.

Critical Date(s): 3/10/06 (Implementation must be completed by this date, the end of the one-year transition period.)

Commissioners Assigned: Edgar
Prehearing Officer: Edgar

Staff: CMP: P. Lee, Barrett, K. Kennedy, King, Marsh
GCL: Fordham, Banks

Issue 1: Should the Commission grant the Motions for Reconsideration and Clarification filed by the parties?

Recommendation: The Motions for Reconsideration should be denied. None of the motions identify a mistake of fact or law in the Commission's decision. However, the Motions have identified certain aspects of the Order that should be clarified or amended, as set forth in the analysis portion of staff's January 12, 2006 memorandum. Accordingly, the Motions for Clarification should be granted to the extent recommended in staff's analysis. Other Clarifications should be made on the Commission's own motion.

Issue 2: Should the Commission require submission of the agreements within 15 days of the vote on this recommendation?

Recommendation: Yes. Because there is a very short turn-around time for all the activity which must occur by the end of the transition period, the agreements should be submitted to the Commission within 15 days of the Commission vote on this matter.

Issue 3: Should this docket be closed?

Recommendation: No. The Docket should remain open pending the submission and approval of the agreements.

