

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: October 3, 2006, 9:30 a.m.

LOCATION: Room 148, Betty Easley Conference Center

DATE ISSUED: September 22, 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.

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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| <u>ITEM NO.</u> | <u>CASE</u> | | | | | |
|-----------------|-----------------|-----|------|-----------|------------|----------------|
| 1 | Approval | | | of | | Minutes |
| | August | 29, | 2006 | Regular | Commission | Conference |

2** **Consent Agenda**

PAA A) Applications for certificates to provide competitive local exchange telecommunications service.

| <u>DOCKET NO.</u> | <u>COMPANY NAME</u> |
|-------------------|-------------------------|
| 060579-TX | Sunesys, Inc. |
| 060585-TX | Ygnition Networks, Inc. |
| 060589-TX | Telovations Inc. |

B) Docket No. 060590-EI – Tampa Electric Company (“Company”) seeks the authority to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term or short-term debt securities and/or to assume liabilities or obligations as guarantor, endorser or surety during calendar year 2007. The Company also seeks authority to enter into interest rate swaps or other derivative instruments related to debt securities during calendar year 2007.

The amount of all equity and long-term debt securities issued, sold, exchanged or assumed and liabilities and obligations assumed or guaranteed as guarantor, endorser or surety will not exceed in the aggregate \$900 million during calendar year 2007, including any amounts issued to retire existing long-term debt securities. The maximum amount of short-term debt outstanding at any one time including bank borrowings will be \$800 million during calendar year 2007.

In connection with this application, Tampa Electric confirms that the capital raised pursuant to this application will be used in connection with the activities of the Company’s electric and gas divisions and not the unregulated activities of its affiliates.

For monitoring purposes, this docket should remain open until April 11, 2008 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. 060590-EI, which must remain open for monitoring purposes.

ITEM NO.

CASE

3**

Docket No. 060607-TP – Proposed adoption of Rule 25-4.0665, F.A.C., Lifeline Service.

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: GCL: Cibula

CMP: Williams, Casey

ECR: Dickens

Issue 1: Should the Commission propose the adoption of Rule 25-4.0665, Florida Administrative Code, Lifeline Service?

Recommendation: Yes. The Commission should propose the adoption of Rule 25-4.0665 as set forth in Attachment A of staff's September 21, 2006 memorandum.

Issue 2: Should this docket be closed?

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

ITEM NO.

CASE

4**

Docket No. 060555-EI – Proposed amendments to Rule 25-17.0832, F.A.C., Firm Capacity and Energy Contracts.

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: GCL: Harris

ECR: Harlow, Haff, Hewitt, McRoy

Issue 1: Should the Commission propose amendments to Rule 25-17.0832, Florida Administrative Code?

Recommendation: Yes. The recommended amendments will meet the requirements of Section 366.91, Florida Statutes, and encourage the development of renewable generators. This will provide utilities with additional opportunities to maintain a balanced fuel supply.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission proposes amendments to Rule 25-17.0832, F.A.C., and no requests for hearing or comments are filed, the rule amendments as proposed should be filed for adoption with the Secretary of State and the docket should be closed. The Commission has held a hearing date of November 9, 2006, to address any request for hearing or filed comments.

ITEM NO.

CASE

5**PAA

Docket No. 060578-TI – Investigation and determination of appropriate method for refunding apparent overcharges by Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance due to overbilling on certain calling card calls.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Watts

ECR: Springer

GCL: Tan

Issue 1: Should the Commission accept Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance's proposal to issue a refund of \$89,559.50, plus interest, to the affected customers beginning with the first billing cycle in October 2006, for overcharging subscribers for calling card calls made from September 2004 through August 2006; require the company to remit monies that cannot be refunded to the Commission for deposit in the State of Florida General Revenue Fund by February 12, 2007, and require the company to submit a report by February 12, 2007, to the Commission stating, (1) how much was refunded to its customers, (2) the number of customers, and (3) the amount of money that was unrefundable?

Recommendation: Yes. The Commission should accept VLD's refund proposal.

Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will be a proposed agency action. Thus, the Order will become final and effective upon issuance of the Consummating Order if no person whose substantial interests are affected timely files a protest within 21 days of issuance of this Order. The company should submit its final report, identified by docket number, and a check for the unrefunded amount (if any), made payable to the Florida Public Service Commission, by February 12, 2007. Upon receipt of the final report and unrefunded monies, if any, this docket should be closed administratively if no timely protest has been filed.

ITEM NO.

CASE

6**

Docket No. 050965-TX – Compliance investigation of Benchmark Communications, LLC d/b/a Com One for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Watts

GCL: Tan, Wiggins

Issue 1: Should the Commission accept Benchmark Communications, LLC d/b/a Com One's proposal to voluntarily contribute \$3,500 to the Commission to resolve its apparent violation of Section 364.183(1), Florida Statutes?

Recommendation: Yes. The Commission should accept the company's settlement offer.

Issue 2: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation on Issue 1, the docket should be closed administratively upon receipt of the \$3,500 contribution. The contribution, made payable to the Florida Public Service Commission, should be received by the Commission by November 10, 2006, and should identify the docket number and company name. The Commission should forward the contribution to the Florida Department of Financial Services for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission's Order, Certificate No. 8568 should be cancelled administratively. If the company's certificate is cancelled in accordance with the Commission's Order from this recommendation, it should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

ITEM NO.

CASE

7**PAA

Docket No. 060516-TP – Request for cancellation of CLEC Certificate No. 8184 by OCMC, Inc. d/b/a One Call Communications, Inc., OPTICOM, 1-800-MAX-SAVE, Advanttel, RegionTel, LiveTel, and SuperTel, and for acknowledgment of cancellation of IXC Registration No. TJ668 held by OCMC, Inc. d/b/a One Call Communications, Inc. d/b/a OPTICOM, d/b/a 1-800-MAX-SAVE, d/b/a Advanttel, d/b/a RegionTel, d/b/a LiveTel, and d/b/a SuperTel, effective July 20, 2006.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Isler

GCL: McKay

Issue 1: Should the Commission cancel OCMC, Inc. d/b/a One Call Communications, Inc., OPTICOM, 1-800-MAX-SAVE, Advanttel, RegionTel, LiveTel, and SuperTel's Competitive Local Exchange Telecommunications Company (CLEC) Certificate No. 8184 and OCMC, Inc. d/b/a One Call Communications, Inc. d/b/a OPTICOM, d/b/a 1-800-MAX-SAVE, d/b/a Advanttel, d/b/a RegionTel, d/b/a LiveTel, and d/b/a SuperTel's Intrastate Interexchange Telecommunications (IXC) tariff and remove its name from the register on its own motion effective July 20, 2006; notify the Division of the Commission Clerk and Administrative Services that any unpaid Regulatory Assessment Fees should not be sent to the Florida Department of Financial Services and request permission to write off the uncollectible amount?

Recommendation: Yes. The company's CLEC certificate, IXC tariff and registration should be cancelled on the Commission's own motion.

ITEM NO.

CASE

7**PAA

Docket No. 060516-TP – Request for cancellation of CLEC Certificate No. 8184 by OCMC, Inc. d/b/a One Call Communications, Inc., OPTICOM, 1-800-MAX-SAVE, Advanttel, RegionTel, LiveTel, and SuperTel, and for acknowledgment of cancellation of IXC Registration No. TJ668 held by OCMC, Inc. d/b/a One Call Communications, Inc. d/b/a OPTICOM, d/b/a 1-800-MAX-SAVE, d/b/a Advanttel, d/b/a RegionTel, d/b/a LiveTel, and d/b/a SuperTel, effective July 20, 2006.

(Continued from previous page)

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 company's CLEC certificate and IXC tariff should be cancelled administratively, the company's name should be removed from the register, and the collection of the unpaid Regulatory Assessment Fees, including statutory late payment charges, should not be referred to the Florida Department of Financial Services for further collection efforts. If the company's CLEC certificate and IXC tariff are 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 competitive local exchange and intrastate interexchange telecommunications service in Florida. This docket should be closed administratively upon cancellation of the company's CLEC certificate and IXC tariff and removal from the register.

ITEM NO.

CASE

8**

Docket No. 060572-EC – Request for approval of increase in rates by Central Florida Electric Cooperative, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Draper

GCL: Brown

Issue 1: Should the Commission approve Central Florida's monthly minimum \$20 charge for residential customers?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the Commission's order in this docket files a protest within 21 days of the issuance of the order, this docket should be closed. If a protest is timely filed, the tariff should remain in effect, pending resolution of the protest.

ITEM NO.

CASE

9**

Docket No. 060299-EI – Petition for approval of revised tariff sheets for underground residential distribution service, by Tampa Electric Company.

Critical Date(s): 12/31/06 (8-month effective date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Draper, Lee

GCL: Gervasi

Issue 1: Should the Commission approve TECO's revised Underground Residential Distribution tariffs and their associated charges?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, this tariff should become effective on October 3, 2006. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

10**

Docket No. 060151-EI – Petition for approval of revisions to access to premises section of Tariff Sheet No. 6.020, by Florida Power & Light Company.

Critical Date(s): 10/19/06 (8-month effective date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Kummer

GCL: Gervasi

Issue 1: Should FPL's proposed tariff filing to revise Section 2.8 of its current Ninth Revised Tariff Sheet No. 6.020, Access to Premises, be approved?

Recommendation: No. FPL's proposed tariff filing should be denied because the Commission lacks the statutory authority to approve it. FPL should be encouraged to coordinate its efforts to trim and remove vegetation outside of its easements and ROW with the local governments involved.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no timely protest is filed within 21 days of the issuance date of the Order, no further action will be necessary and this docket should be closed upon the issuance of a Consummating Order. However, if a protest is filed by a person whose interests are substantially affected within 21 days of the issuance date of the Order, the docket should remain open pending resolution of the protest.

ITEM NO.

CASE

11**

Docket No. 060431-WS – Request for approval of implementation of security deposits for water and wastewater systems in Pasco County by Paradise Lakes Utility, L.L.C.

Critical Date(s): 02/02/07 (8-month statutory effective date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Biggins, Bulecza-Banks, Rendell

GCL: Bennett

Issue 1: Should Paradise Lakes' proposed tariff sheets to collect customer deposits be approved as filed?

Recommendation: Yes. First Revised Sheet No. 16.0 and First Revised Sheet No. 15.0 filed on September 12, 2006, should be approved as filed. The revised tariff sheets should be implemented on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(2), Florida Administrative Code, provided the utility submits and receives approval of its proposed customer notice and that the customers have received the approved notice.

Issue 2: Should this docket be closed?

Recommendation: If Issue 1 is approved, this tariff should become effective on or after the stamped approval date of the tariff sheets, pursuant to Rule 25-30.475, Florida Administrative Code, provided the customers have received adequate notice. If a protest is filed within 21 days of the issuance of the Order by a substantially affected person, this tariff should remain in effect with any increase held subject to refund pending resolution of the protest, and the docket should remain open. If no timely protest is filed, this docket should be closed upon the issuance of a Consummating Order.

ITEM NO.

CASE

12**

Docket No. 060475-SU – Application for cancellation of Certificate No. 233-S, in Pinellas County, by Ranch Mobile WWTP, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Walden, Kaproth

GCL: Jaeger

Issue 1: Should Certificate No. 233-S held by Ranch Mobile WWTP, Inc. be canceled?

Recommendation: Yes. Certificate No. 233-S should be canceled effective the date that service is provided directly by the City of Largo. Ranch Mobile shall inform the Commission of the date that service is provided directly by the City of Largo. Regulatory assessment fees for 2006 are due to the Commission within 45 days of the Commission Order approving the certificate cancellation. The certificate should be canceled administratively after notification is received from Ranch Mobile and the regulatory assessment fees are paid.

Issue 2: Should this docket be closed?

Recommendation: Yes. Because no further action is required, this docket should be closed administratively after the Commission is informed that each mobile home park is receiving service directly from the City of Largo, and after the regulatory assessment fees are paid.

ITEM NO.

CASE

13

Docket No. 030458-WU – Application for transfer of majority organizational control of Holiday Utility Company, Inc. in Pasco County to Holiday Waterworks Corporation, and amendment of Certificate No. 224-W.

Critical Date(s): None

Commissioners Assigned: Arriaga, Carter, Tew

Prehearing Officer: Tew

Staff: GCL: Fleming, Brubaker

ECR: Clapp, Rieger, Romig

(Motion to dismiss - oral argument has not been requested for Issue 1, but may be heard at the Commission's discretion.)

Issue 1: Should the Commission grant Pasco County's Motion to Dismiss Holiday Utility's Amendment Application?

Recommendation: Holiday's application for amendment should be dismissed without prejudice, with leave for Holiday to refile its application pursuant to Chapter 367, Florida Statutes, and the Commission's rules.

Issue 2: Should the Commission require Holiday to file an amendment application to include an area currently being served outside of its existing certificated territory?

Recommendation: Yes. Holiday should be required to file in a separate docket, within thirty days of the date of the Commission vote, an amendment application pursuant to Rule 25-30.036, Florida Administrative Code, for the uncertificated territory it is currently serving. The current docket should remain open until the amendment application has been filed and a new docket established.

Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open until the amendment application referred to in Issue 2 has been filed and a new docket established. After the amendment application has been filed, this docket may be closed administratively.

