State of Florida

Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: January 16, 2008

TO: Office of Commission Clerk (Cole)

FROM: Office of the General Counsel (Teitzman)
Division of Competitive Markets & Enforcement (Buys, Kennedy)

RE: Docket No. 050257-TL – Complaint of BellSouth Telecommunications, Inc. against Miami-Dade County for alleged operation of a telecommunications company in violation of Florida statutes and Commission rules.

AGENDA: 01/29/08 – Regular Agenda – Posthearing Decision – Participation is Limited to Commissioners and Staff

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Carter

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\050257.RCM.DOC

Case Background

On April 13, 2005, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T) filed its Complaint regarding the operation of a telecommunications company in violation of applicable Florida Statutes and Commission rules against Miami-Dade County (County). In its complaint, AT&T contends that the County is providing shared local tenant services to commercial airport tenants in violation of Rule 25-24.580, Florida Administrative Code (F.A.C.), by failing to obtain a shared tenant services (STS) certificate. The County filed its Answer and affirmative defenses on May 24, 2005.

On June 2, 2005, the County filed its Motion to Dismiss. AT&T filed its opposition to the County's motion to dismiss on June 17, 2005. In Order No. PSC-05-0847-FOF-TL, issued August 19, 2005, the Commission denied the County's motion to dismiss. On August 26, 2005, the Greater Orlando Airport Authority (GOAA) filed its petition to participate as a party.

On April 21, 2006, the Commission issued Order No. PSC-06-0326-PCO-TL granting the parties' joint motion for entry of order adopting the procedural schedule. On April 25, 2007, the Commission issued Order No. PSC-07-0355-PCO-TL, granting AT&T's and the County's joint motion for extension of filing dates. On May 1, 2007, the Commission issued Order No. PSC-07-0384-PCO-TL, granting AT&T's and the County's joint motion for second extension of filing dates. On June 28, 2007, the Commission issued Order No. PSC-07-0544-PCO-TL granting AT&T's and the County's third motion for extension of filing dates.

On July 6, 2007, GOAA, AT&T, and the County filed a joint motion for a final extension of filing dates. In the joint motion, the parties stated that settlement discussions between the parties have terminated. The parties requested a final extension of thirty (30) days in which to submit their direct briefs and forty five (45) days to file reply briefs. Specifically, the parties requested that direct briefs be due on August 9, 2007, and reply briefs on September 10, 2007. On August 21, 2007, the Commission issued Order No. PSC-07-0678-PCO-TL granting the parties' joint motion for final extension of filing dates.

On September 5, 2007, the Florida Administrative Weekly (FAW) Notice of oral argument was filed (to be published on September 14, 2007). Order No. PSC-07-0775-PCO-TL was issued on September 24, 2007, to set forth the oral argument procedure. Oral argument before the Commission was held on September 25, 2007, at the conclusion of the Agenda Conference.

Staff notes that there is a concurrent proceeding before the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Case No. 02-288688 CA 03. In that proceeding, BellSouth has alleged that the County is operating a telecommunications company, based on the County's acquisition of telecommunications facilities and operations at Miami International Airport (MIA) in violation of the Miami-Dade County Home Rule Charter and in violation of Florida Statutes, by not obtaining a certificate of convenience and necessity to provide STS from the Commission.

The Commission has jurisdiction over this matter pursuant to Sections 364.01, 364.339, 364.345, and 364.37, Florida Statutes.

Discussion of Issues

Issue 1: Is Miami-Dade County operating as a telecommunications company at any County-owned airports?

Recommendation: Yes. Pursuant to the definition of a telecommunications company under §364.02(14), Florida Statutes, Miami-Dade County is operating as a telecommunications company at MIA because it is "offering two-way telecommunications service to the public for hire within this state by use of a telecommunications facility." (Teitzman)

Position of the Parties

AT&T Florida: Yes. The County does not contest that the factual record in this docket conclusively demonstrates that the County is "offering two-way telecommunications service to the public for hire within this state by use of a telecommunications facility." Accordingly, AT&T does not believe this issue is in dispute.

Miami-Dade County: The County operates a shared airport telecommunications system at MIA pursuant to Rule 25-24.580, Florida Administrative Code, and Section 364.339, Florida Statutes. The County has operated the shared airport telecommunications system since 1987.

GOAA: No Position taken.

Staff Analysis

Pursuant to the definition of a telecommunications company under § 364.02(14), Florida Statutes, the County is operating as a telecommunications company at MIA because it is "offering two-way telecommunications service to the public for hire within this state by use of a telecommunications facility."

Pursuant to page 1 of the County's Direct Brief, it appears that the County no longer contests this issue. In its Direct Brief, the County acknowledges that it operates a shared airport telecommunications system at MIA pursuant to Rule 25-24.580, Florida Administrative Code, and § 364.339, Florida Statutes. Although the County fails to specifically identify itself as a telecommunications company, the County does acknowledge that the Commission has jurisdiction to enforce its rules and the provisions of Chapter 364, Florida Statutes, over the County pursuant to §§ 364.01(1) and (2), Florida Statutes. Sections 364.01(1) and (2), Florida Statutes, grant the Commission exclusive jurisdiction to regulate telecommunications companies. Staff notes that the County chose not to further address Issue 1 in its Direct Brief or in its Reply Brief.

Accordingly, absent any evidence or arguments to the contrary, staff believes that the County is operating a telecommunications company at MIA.

Issue 2: If Miami-Dade County is operating as a telecommunications company, is it subject to the jurisdiction of the Commission?

Recommendation: Yes. If the Commission finds that Miami-Dade County is operating as a telecommunications company at MIA, then pursuant to §§364.01(1) and (2), 364.01(339(1)(a), Florida Statutes, Miami-Dade County's telecommunication operations are subject to the jurisdiction of the Commission. (Teitzman)

Position of the Parties

AT&T Florida: The County admits that it is subject to the Commission's jurisdiction. Accordingly, AT&T does not believe this issue is in dispute.

Miami-Dade County: The Commission has jurisdiction to enforce its rules and the provisions of Chapter 364, Florida Statutes, over the County, pursuant to §§ 364.01(1) and (2), and 364.339(1)(a), Florida Statutes.

GOAA: No Position taken.

Staff Analysis

Similarly to Issue 1, the County no longer contests this issue. The County acknowledges on page 1 of its Direct Brief that pursuant to §§ 364.01(1) and (2), and 364.339(1)(a), Florida Statutes, the Commission has jurisdiction to enforce its rules and the provisions of Chapter 364, Florida Statutes, over the County's telecommunications operations at MIA. Sections 364.01(1) and (2), Florida Statutes, grant the Commission exclusive jurisdiction to regulate telecommunications companies and § 364.339(1)(a), Florida Statutes, grants the Commission exclusive jurisdiction over the provision of shared tenant services that duplicate or compete with local service provided by an existing local exchange telecommunications company.

Accordingly, if the Commission finds that Miami-Dade County is operating as a telecommunications company at MIA, then pursuant to §§ 364.01(1) and (2), and 364.339(1)(a), Florida Statutes, Miami-Dade County's telecommunications operations are subject to the jurisdiction of the Commission.

Issue 3: Is Miami-Dade County's operation and provision of shared tenant services at Miami International Airport by the Miami-Dade Aviation Department exempt from the STS rules pursuant to applicable Florida Statutes and Commission rules?

Recommendation: Yes. Miami-Dade County's provision of shared tenant services at the Miami International Airport is exempt from STS certification pursuant to Rule 25-24.580, F.A.C., Airport Exemption. (D. Buys)

Position of the Parties

AT&T Florida: No. The County's provision of shared tenant service (STS) at Miami International Airport (MIA) is not exempt pursuant to the Airport Exemption Rule because the services the County provides do not serve the purposes for which the exemption was enacted – to ensure the safe and efficient transportation of passengers and freight through the airport.

Miami-Dade County: Yes. The County's Airport System fully complies with Rule 25-24.580, F.A.C., and its operation and provision of shared tenant services at MIA by the County is exempt from the STS rules pursuant to applicable Florida Statutes and Commission rules.

GOAA: Yes. AT&T's complaint is based on an interpretation of the Commission's 1987 STS Order that is wholly inconsistent with the terms of that decision and the rationale the Commission articulated at the time of its adoption. AT&T's attempt to narrowly redefine the scope of that exemption twenty (20) years later should be promptly denied.

Staff Analysis:

AT&T's Argument

To the extent the County provides STS to airport tenants and is not otherwise subject to Rule 25-24.580, F.A.C. (Airport Exemption Rule), it is required to obtain a Certificate of Public Convenience and Necessity and to otherwise comply with all applicable rules governing STS providers. (AT&T BR at 30-31)

AT&T argues that the Airport Exemption Rule creates a limited exemption solely due to the necessity to ensure the safe and efficient transportation of passengers and freight through the airport facility. (AT&T BR at 31) AT&T argues that the rule is not a blanket authorization for airports to offer and provide STS for any and all purposes without Commission oversight. The County's provision of STS to the commercial tenants at MIA is not now and never has been designed or intended to provide safety, security or efficiency. The County's true purpose of providing STS is to make money by competing with regulated telecommunications companies for customers at MIA. The airport tenants to which the County offers and provides STS include facilities such as a shopping mall and hotel. The Airport Exemption Rule does not apply to the County's provision of STS to commercial tenants at MIA. (AT&T BR at 31-32)

AT&T argues that the Commission clearly intended that the Airport Exemption Rule would apply solely to the provision of STS that are materially necessary for the internal security and operation of an airport, and not to services offered for commercial purposes to commercial tenants within the airport facility. (AT&T BR at 34). AT&T claims that the County's provision of STS to its commercial tenants at MIA is not related to the safety, security, or efficient transportation of passengers and freight through the airport facility. AT&T claims that the County offers STS to a collection of retail shops, restaurants, and management companies within the MIA complex that constitute a shopping mall, and also provides STS to the Airport Hotel attached to MIA. (AT&T BR at 45-46) AT&T maintains that the County's provision of STS to airport tenants is purely commercial and competitive in nature and is used to generate revenue to fund airport and other County operations, not to ensure the safe and efficient transportation of passengers and freight through the airport facility as the rule intended.

Miami-Dade County's Argument

The County argues that AT&T's complaint is flawed and incorrect. The County, through Miami-Dade Aviation Department (MDAD), has been an STS provider since 1987. The County points out that the Commission in Order No. PSC-94-0123-FOF-TL, issued February 1, 1994, in Docket No. 931033-TL, indicated the County as the STS provider at MIA pursuant to the Airport Exemption. (EXH 244, p. 3) The County argues, to date, the status quo has remained unchanged, and AT&T's opinion that the County only became an STS provider post-acquisition of the Airport System infrastructure in 2002 is subterfuge for relitigating the principles of STS and the Airport Exemption Rule. (County BR at 14)

The County argues, that unlike commercial STS operations, the County's systems are operated by governmental authorities for the convenience of the traveling public and have unique and critical communications needs. (County BR at 3) The County states that there was substantial testimony at the hearings for the STS rulemaking docket about the security reasons for permitting airport tenants, including not only airlines, freight carriers, and aviation and airport operations support services, but also concessions in the airport terminal (e.g., restaurants, newsstands, bars, and even the shoeshine stand) to obtain service through the shared airport system and therefore to continue to intercommunicate "behind" the PBX switch – i.e., without accessing the LEC central office. (County BR at 17; EXH 238). The County argues that although the Commission did not per se define "hotels, shopping malls, and industrial parks," the Commission neither intended nor required airports to obtain certification from the Commission in order to serve any commercial tenant within the airport terminal facility. (County BR at 16)

The County argues the following in its direct brief:

> The parameters within which an airport may share local telephone service without becoming subject to the STS rules have not changed since the Airport Exemption [Rule] was adopted initially in 1987, codified in 1991, and amended in 1992. Therefore, so long as the County's sharing of local telephone service is related to the purpose of an airport (i.e., "the safe and efficient transportation of passengers and freight"), it will not be required to obtain a certificate of authority to provide shared tenant service from the Commission, or to comply with the Commission's

> regulations applicable to telephone companies or STS providers, such as the filing of tariffs of its rates and charges or the filing of annual reports at the Commission, given "there is no competition with no duplication of local exchange service by the LEC." Ex. 240 at 18. (BR at 12-13).

The County argues that its shared airport system at MIA fully complies with those requirements, and the Commission should issue an order that the County's operation and provision of shared tenant services at MIA is exempt from the STS rules pursuant to applicable Florida Statutes and Commission rules. (County BR at 13)

GOAA's Argument

GOAA's arguments are essentially the same as the County's. GOAA maintains that to the extent the County provides shared services to such tenants of the airport, such service is entirely consistent with the Commission's rules and orders that specifically exempt airports from the Commission's STS certification requirement. GOAA argues that it was clear to the Commission in 1987 that the shared operations at Orlando International Airport and MIA included sharing of service by terminal shops, restaurants, bars, newsstands, shoeshine stands and other terminal concessions in order to intercommunicate behind a PBX, and the Commission permitted the County and GOAA "to continue to provide service under these conditions." (GOAA BR at 14-15) GOAA further argues, "To the extent AT&T now seeks to restrict the Airport Exemption [Rule] and argues that airports have now, by virtue of sharing service among concessions located in the airport terminal, become 'shopping malls,' AT&T's argument is foreclosed by the unambiguous text of Section 25-24.580 of the Code." (County BR at 15)

Analysis

Rule 25-24.580, F.A.C., currently states:

> Airports shall be exempt from the other STS rules due to the necessity to ensure the safe and efficient transportation of passengers and freight through the airport facility. The airport shall obtain a certificate as a shared tenant service provider before it provides shared local services to facilities such as hotels, shopping malls and industrial parks. However, if the airport partitions its trunks, it shall be exempt from the other STS rules for service provided only to the airport facility.

In Order No. 17111, issued January 15, 1987, in Docket No. 860455-TL, In Re: Investigation into Appropriate Rates and Conditions of Service for Shared Local Exchange Telephone Service (STS Order), the Commission stated the following regarding the provision of STS by airports:

> Airports are unique facilities, generally construed as being operated for the convenience of the travelling public. One unique communications need is the ability of airport tenants to quickly communicate with one another for security reasons. It is for this reason that we will permit intercommunications between and among tenants behind the PBX without accessing the LEC central office.

> While we recognize the unique needs of airports such as GOAA, the sharing of local exchange service must be related to the purpose of an airport – the safe and efficient transportation of passengers and freight through the airport campus. To the extent that sharing of local trunks is limited to this purpose, there is no competition with nor duplication of local exchange service by the LEC. There was some discussion at the hearing of extending local sharing to facilities such as hotels, shopping malls, and industrial parks. To the extent an airport engages in this type of local sharing, it must be certificated as an STS provider. Because of the unique nature of the airport, we consider it to be a single building. As an alternative to becoming certificated as an STS provider, the airport could partition the trunks serving these other entities. With these caveats, airports may continue to provide service under existing conditions. (EX 240, p. 13)

The Commission's STS Order and the STS rules were codified by Order No. 23979, Issued January 10, 1991, in Docket No. 891297-TS, in Re: Adoption of Rules 25-24.550 through 25-24.587, Florida Administrative Code, Relating to Shared Tenant Service (STS) Providers. The Airport Exemption Rule at that time read:

> Airports are exempted from the STS rules due to the necessity to ensure the safe and efficient transportation of passengers and freight through the airport facility. If airports extend their sharing of local services to facilities such as hotels, shopping malls and industrial parks, the airport will be required to be certificated as a shared tenant service provider. However, the airport could partition the trunks serving those entities and forego STS certification.

On August 14, 1991, the Commission staff opened Docket No. 910867-TS, In Re: Proposed Amendment of Rule 25-24.580, F.A.C., Airport Exemption, to clarify that certification of the airport as an STS provider will be required if shared local service is provided to certain facilities. (EXH 198, p. 6716) In its request to establish Docket No. 910867-TS, dated August 15, 1991, staff stated it believes the last sentence in the rule could be misinterpreted to authorize airports to provide service to hotels, shopping malls and industrial parks without STS certification if the trunks serving those entities are partitioned.

At the February 4, 1992, Agenda Conference, the Airport Exemption Rule was amended to reflect the current language. In its recommendation filed on January 23, 1992, in Docket No. 910867-TS, staff summarized its interpretation of the STS rules.

> An airport may share trunks for airport purposes. This requires no STS certification. An airport may also use one switch to do the following: It may partition trunks into two trunk groups. The first trunk group will serve the airport. This group of trunks does not have to be certificated. The second group of trunks will serve an industrial park or a mall or some other arrangement. If shared local service is provided, this group of trunks must be certificated and must comply with all STS requirements. If the partitioned trunks are purchased directly by the customer from the LEC, no sharing of trunks occurs and no certification is required. (EXH 201, p. 6727-6728)

There is no dispute that the County is providing shared tenant service at MIA. The question is whether the County's provision of STS to concession stands and shops located in the airport terminal facility has expanded beyond the scope of the initial Airport Exemption Rule. Staff believes the answer is no. The concession stands and shops located in the airport facility exist for the convenience of the traveling public and do not constitute a separate shopping mall. As a commissioner alluded to at the Special Agenda Conference held in 1987, when the original rule was adopted, if one applies the legal concept of the "but for rule" in this case, the hotel, concession stands, and shops would not exist but for the airport and the travelling public. (EXH 179, p. 279)

AT&T argues that the County's provision of STS to the commercial tenants at MIA is not now and never has been designed or intended to provide safety, security or efficiency. (AT&T BR at 31) The County argues, to the contrary, that its provision of STS to certain concessions located in the MIA terminal is consistent with the intent of the airport exemption. Additionally, the County argues that the Commission's decision in 1987 specifically contemplated that when a retail establishment is located in an airport terminal, the sharing of service to said establishment may be necessary for the safety and efficiency of the airport, and the County has continuously provided STS to the same types of concessions considered by the Commission in issuing the STS Order. (County Reply BR at 17)

Staff believes the County's argument has greater merit and is more congruent with the STS Order and the Commission's original discussions regarding which shops and concessions would be included in the airport exemption. The STS Order states that the airport exemption was created due to the unique nature of the airport facilities, that is, operated for the convenience of the traveling public. The STS Order also states that one unique communication need is the ability of airport tenants to quickly communicate with one another for security reasons. The STS Order does not specify that the airport exemption includes only airport tenants that use shared tenant services in the course of providing security, safety, or other operations specific to the movement of passengers and freight through the airport facility.

Staff is not persuaded by AT&T's argument that the concessions at MIA are a shopping mall, and thus, the provision of service to those concessions are not exempt under the Airport Exemption Rule. AT&T submitted a video tape of the types of concessions at the MIA that are the subject of its complaint. (EXH 174) Staff reviewed the video tape and believes that the shops are not analogous to a shopping mall. In fact, the video shows that most of the customers in the stores appear to be travelers carrying luggage or carry on bags. Further, the merchandise and services for sale at the concessions appear to be the types of merchandise targeted to the traveling public. Staff believes a reasonable person viewing the video tape would not classify the collection of shops in the MIA terminal as a "shopping mall" by conventional standards.

Additionally, the County's STS customer list includes sixty five airport tenants. (EXH 209) During oral argument, the County's counsel, Mr. Hope, indicated that nine of the sixty two STS tenants are concessions. (TR at 39) At most, the County provides STS to nine concessions at MIA. The County's list of customers to which it provides STS is confidential, but the types of concessions in question are consistent with those that were considered to be included in the exemption during the Special Agenda Conference in 1987 when the airport exemption was first

discussed. They include a coffee shop, a bar, a newsstand, a bookstore, a novelty gift shop, and a shoeshine stand, among others. Those types of concessions located in the airport terminal were considered to exist for the convenience of the travelling public, and, thus were included in the airport exemption. (Country Reply BR at 17-19) The concessions and shops are located within the terminal structure of the airport accessible only by ticketed passengers. The County argues in its reply brief that, "The concessions at MIA are not a shopping mall. The non-traveling public does not drive to MIA to shop. In addition, various concessions are located past the security checkpoints and cannot be accessed without a valid boarding pass and identification." (County Reply BR at 15)

In its direct brief, AT&T argues that the County provides STS to the Airport Hotel attached to MIA and notes in footnote 202, "While the trunk serving the airport hotel is partitioned from the trunk serving the airport terminal, the Commission has clearly stated that, even if partitioned, the provision of STS to a hotel must be certificated." (AT&T BR at 46) It is undisputed that the County provides STS service to the Airport Hotel and the trunks for the hotel are partitioned in the County's PBX to be separate from the trunks providing service to the other airport services. (AT&T BR at 17-18; EXH 20, p. 71) Staff explained in its recommendation filed on January 23, 1992, in Docket No. 910867-TS, if the partitioned trunks are purchased directly by the customer from the LEC, no sharing of trunks occurs and no certification is required. (EXH 201, p. 6728) In his deposition, County witness Pedro Garcia explained that the County owns the Airport Hotel at MIA which is operated by a management company. Mr. Garcia further states that the trunks for the Airport Hotel are partitioned in the PBX, and are provided by the former AT&T, which is contracted by them separately. (EXH 20, pp. 71-73) Upon the merger of BellSouth and AT&T, service could now be considered to be provided by the LEC: the new AT&T. Additionally, a County memorandum summarizing the Airport Hotel telephone charges includes a copy of a bill from BellSouth, dated April 20, 2006, charging for local service provided to the hotel. (EXH 283) Hence, it appears the County's provision of STS service to the Airport Hotel meets the requirements for exemption under the Airport Exemption Rule. The trunks are partitioned in the PBX and are purchased by the customer (the County) directly from the LEC (AT&T / BellSouth), and the Airport Hotel receives local service from the LEC.

AT&T argues that the purchase of the STS and telecommunications infrastructure by the County from NexteriaOne now makes the County an STS provider. However, the County argues that for over twenty years it has provided STS to tenants at MIA without certification under the Airport Exemption Rule. In 2002, the County purchased the telecommunications infrastructure at MIA and subsequently contracted with NexteriaOne to manage and operate the telecommunications and STS system. As a result, the County now bills its STS customers and receives the gross revenues from the STS operations. Prior to purchase, the County paid NexteriaOne for its telecommunications services and shared a small percentage of the revenue which reportedly caused financial losses for the County. In an effort to reduce its telecommunications expenses, the County purchased the MIA telecommunications systems from NexteriaOne. (AT&T BR at 9-13) The County points out, "Neither Chapter 364 of Florida Statutes, nor Chapter 25-24, Part XII of the Florida Administrative Code, prohibits airports from defraying costs and generating revenues from their STS operations." (County Reply BR at 10) The County further argues that the Airport Exemption Rule is based upon necessity to ensure the

safe and efficient transportation of passengers and freight through the airport facility, not whether the provision of STS generates a profit. (County Reply BR at 11)

Conclusion

In this case, staff believes the record indicates that the County's provision of STS complies with the Airport Exemption Rule. The County does not provide shared tenant service to "shopping malls" or "industrial parks" at MIA. The County has partitioned its trunks serving the MIA Hotel in accordance with Rule 25-24.580, F.A.C., and the MIA Hotel receives local service from the LEC. Hence, Miami-Dade County's provision of shared tenant services at the Miami International Airport is exempt from STS certification pursuant to Rule 25-24.580, F.A.C., Airport Exemption.

Issue 4: Should the Commission require Miami-Dade County to obtain a certificate of public convenience and necessity as an STS provider?

Recommendation: If the Commission's approves staff's recommendation in Issue 3, this issue is moot. If the Commission determines that Miami-Dade County is not exempt from the STS rules, the Commission should require Miami-Dade County to obtain a STS certificate. (D. Buys, A. Teitzman)

Staff Analysis: Rule 25-24.580, F.A.C., states:

> Airports shall be exempt from the other STS rules due to the necessity to ensure the safe and efficient transportation of passengers and freight through the airport facility. The airport shall obtain a certificate as a shared tenant service provider before it provides shared local services to facilities such as hotels, shopping malls and industrial parks. However, if the airport partitions its trunks, it shall be exempt from the other STS rules for service provided only to the airport facility.

If the Commission disagrees with Staff's recommendation in Issue 3 and determines that the County's provision of STS is not exempt from Certification pursuant to Rule 25-24.580, F.A.C., the County should be required to obtain a STS Certificate as required by Rule 25-24.565, F.A.C., Certificate of Public Convenience and Necessity Required.

Issue 5: Should this docket be closed?

Recommendation: Yes, this docket should be closed upon issuance of the final order. (Teitzman)

Staff Analysis: Because there are no outstanding issues in this docket, the docket should be closed upon issuance of the final order.