

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, June 16, 2009, 9:30 a.m.

LOCATION: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

DATE ISSUED: June 5, 2009

NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (**) next to the agenda item number.

To participate informally, affected persons need only appear at the agenda conference and request the opportunity to address the Commission on an item listed on agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing.

See Rule 25-22.0021, F.A.C., concerning Agenda Conference participation and Rule 25-22.0022, F.A.C., concerning oral argument.

To obtain a copy of staff's recommendation for any item on this agenda, contact the Office of Commission Clerk at (850) 413-6770. There may be a charge for the copy. The agenda and recommendations are also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge.

Any person requiring some accommodation at this conference because of a physical impairment should call the Office of Commission Clerk 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 Office of Commission Clerk, Betty Easley Conference Center, Room 110.

Video and audio versions of the conference are available and can be accessed live on the PSC Website on the day of the Conference. The audio version is available through archive storage for up to three months after the conference.

Table of Contents
Commission Conference Agenda
June 16, 2009

1	Approval of Minutes May 5, 2009 Regular Commission Conference May 19, 2009 Regular Commission Conference	2
2**PAA	Docket No. 070348-TX – Amended petition for designation as eligible telecommunications carrier (ETC) by Swiftel, LLC.....	3
3**PAA	Docket No. 090082-TL – Petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast for waiver of Rule 25-4.040(2), Florida Administrative Code.	4
4**	Docket No. 090228-EG – Petition for approval of a pilot small general service price responsive load management program, by Tampa Electric Company.....	5
5**	Docket No. 080710-WS – Application for amendment of Certificates 260-S and 315-W to extend water and wastewater service areas to include territory in Pasco County, by Orangewood Lakes Services, Inc.	6
6**PAA	Docket No. 090145-EI – Petition for expedited approval of the deferral of pension expenses, authorization to charge storm hardening expenses to the storm damage reserve, and variance from or waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C., by Progress Energy Florida, Inc.	7

Agenda for
Commission Conference
June 16, 2009

ITEM NO.

CASE

1

Approval of Minutes

May 5, 2009 Regular Commission Conference

May 19, 2009 Regular Commission Conference

ITEM NO.

CASE

2**PAA

Docket No. 070348-TX – Amended petition for designation as eligible telecommunications carrier (ETC) by Swiftel, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Skop

Staff: RCP: Polk, Casey

GCL: Murphy

SSC: Moses

Issue 1: Should Swiftel be granted eligible telecommunications carrier status in the State of Florida?

Recommendation: No. Staff recommends that Swiftel not be granted eligible telecommunications carrier status in the State of Florida.

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

3**PAA

Docket No. 090082-TL – Petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast for waiver of Rule 25-4.040(2), Florida Administrative Code.

Critical Date(s): Statutory Deadline: 08/17/09

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: RCP: Pruitt
GCL: Morrow

Issue 1: Should the Commission approve the request for the permanent waiver of the residential directory requirement of Rule 25-4.040(2), F.A.C., by AT&T Florida?

Recommendation: No, the Commission should not approve AT&T Florida's request for waiver of the residential directory requirement of Rule 25-4.040(2), F.A.C.

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 and notice of disposition in the FAW.

ITEM NO.

CASE

4**

Docket No. 090228-EG – Petition for approval of a pilot small general service price responsive load management program, by Tampa Electric Company.

Critical Date(s): 06/21/09 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: SGA: Ellis

GCL: Fleming

Issue 1: Should the Commission suspend the proposed pilot Small General Service Price Responsive Load Management Program filed by Tampa Electric Company?

Recommendation: Yes, the tariff should be suspended.

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission approves Issue 1, this docket should remain open to allow staff adequate time to review the filings and bring a recommendation back to the Commission on the merits of the filings.

ITEM NO.

CASE

5**

Docket No. 080710-WS – Application for amendment of Certificates 260-S and 315-W to extend water and wastewater service areas to include territory in Pasco County, by Orangewood Lakes Services, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Walden

GCL: Williams

Issue 1: Should the Commission approve the application to amend Certificate Nos. 315-W and 260-S in Pasco County filed by Orangewood Lakes Services, Inc.?

Recommendation: Yes, the Commission should approve Orangewood’s amendment application to include the Orangewood Lakes Mobile Home Park in the Utility’s authorized service territory. The proposed territory is described in Attachment A of staff’s memorandum dated June 4, 2009. The resultant order should serve as Orangewood’s amended certificate, and it should be retained by the Utility. The Utility should charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized to change by the Commission.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff’s recommendation in Issue 1, no further action will be necessary, and this docket should be closed.

ITEM NO.

CASE

6**PAA

Docket No. 090145-EI – Petition for expedited approval of the deferral of pension expenses, authorization to charge storm hardening expenses to the storm damage reserve, and variance from or waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C., by Progress Energy Florida, Inc.

Critical Date(s): 06/29/09 (90-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: McMurrian

Staff: ECR: Slemkewicz, Maurey

GCL: Fleming, Klancke

Issue 1: Should the Commission grant Progress Energy Florida, Inc.'s request for a waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C.?

Recommendation: No. The Commission should not grant a waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C.

Issue 2: If the rule waiver is granted in Issue 1, should the Commission authorize Progress Energy Florida, Inc. to charge any of its 2009 storm hardening expenses against the Storm Damage Reserve?

Recommendation: No. PEF should not be authorized to charge any of its 2009 storm hardening expenses against the Storm Damage Reserve. If the Commission approves staff's recommendation in Issue 1, this issue is moot.

Issue 3: Should PEF's request to create a regulatory asset to defer pension expense be approved?

Recommendation: Yes. Staff recommends that only the retail portion of PEF's actual 2009 pension expense, currently estimated to be \$31.5 million, should be deferred as a regulatory asset (2009 Pension Regulatory Asset). On an annual basis, PEF should use any pension expense levels below the allowance provided for in rates in the 2010 base rate proceeding in Docket No. 090079-EI to write-down the 2009 Pension Regulatory Asset. In the event such write-downs are insufficient to fully amortize the 2009 Pension Regulatory Asset, PEF should not be allowed recovery of this item through a base rate case prior to 2015. PEF has agreed it will not earn a carrying charge on this regulatory asset.

Issue 4: 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.