

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, April 26, 2011, 9:30 a.m.

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

DATE ISSUED: April 15, 2011

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.

Agendas, staff recommendations, vote sheets, transcripts, and conference minutes are available from the PSC Web site, <http://www.floridapsc.com>, by selecting *Agenda & Hearings* and *Agenda Conferences of the FPSC*. By selecting the docket number, you can advance to the *Docket Details* page and the Document Index Listing for the particular docket. If you have any questions, contact the Office of Commission Clerk at (850) 413-6770 or e-mail the clerk at Clerk@psc.state.fl.us.

Any person requiring some accommodation at this conference because of a physical impairment should call the Office of Commission Clerk 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.

The Commission Conference has a live video broadcast the day of the conference, which is available from the PSC's Web site. Upon completion of the conference, the video will be available from the Web site by selecting *Agenda and Hearings* and *Audio and Video Event Coverage*.

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ITEM NO. **CASE**

1 **Approval of Minutes**
April 5, 2011, Regular Commission Conference

2**PAA **Consent Agenda**

PAA A) Request for Cancellation of a Competitive Local Exchange Telecommunications Certificate.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
110079-TP	Conextel, Inc.	12/31/2010

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

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CASE

3**

Docket No. 110013-TP – Request for submission of proposals for relay service, beginning in June 2012, for the deaf, hard of hearing, deaf/blind, or speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

Critical Date(s): The current contract with Sprint expires May 31, 2012. Significant time is needed to issue the RFP, evaluate proposals, and set-up the system.

Commissioners Assigned: All Commissioners

Prehearing Officer: Brisé

Staff: RAD: Kennedy, Casey

GCL: Miller

Issue 1: Should the Request for Proposal be issued?

Recommendation: Yes. The Commission should issue the Request for Proposal, as set forth in Attachment A of staff's memorandum dated April 14, 2011.

Issue 2: Should this docket be closed?

Recommendation: No.

ITEM NO.

CASE

4

Docket No. 090538-TP – Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: GCL: Tan

RAD: Gowen, Trueblood

(Participation at the Discretion of the Commission.)

Issue 1: Should the Movants' Request for Oral Argument be granted?

Recommendation: No. The Commission should deny the Movants' Request for Oral Argument.

Issue 2: Should the Commission grant the Motion for Reconsideration of the Commission's Order reconsider its decision on Movants' Motion to Dismiss?

Recommendation: No. The Commission should deny Movants' Motion for Reconsideration of Order No. PSC-11-0145-FOF-TP.

Issue 3: Should this docket be closed?

Recommendation: No. If the Commission accepts staff's recommendation, this docket should not be closed until after an evidentiary hearing has been held and a final order issued. If the Commission denies staff's recommendation in Issue 2 and grants the Movants' Motion For Reconsideration, the Movants should be removed as parties and the docket should remain open for staff to address the status of the remaining parties.

ITEM NO.

CASE

5**PAA

Docket No. 110025-TP – Bankruptcy cancellation by Florida Public Service Commission of CLEC Certificate No. 8489 and IXC Registration No. TK184, issued to CommPartners, LLC, effective December 31, 2010.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: RAD: Earnhart

GCL: Evans

Issue 1: Should the Commission grant CommPartners, LLC, as set forth in Attachment A of staff's memorandum dated April 14, 2011, cancellation of its competitive local exchange telecommunications company (CLEC) Certificate No. 8489 and intrastate interexchange telecommunication company (IXC) tariff, and remove the company's name from the IXC register, with an effective date of December 31, 2010, due to bankruptcy; direct the Division of Administrative Services to request permission from the Florida Department of Financial Services to write off any unpaid Regulatory Assessment Fees, including statutory late payment charges, instead of requesting collection services; and require the company to immediately cease and desist providing competitive local exchange and intrastate interexchange telecommunications services in Florida?

Recommendation: Yes, the Commission should grant CommPartners, LLC, as set forth in Attachment A of staff's memorandum dated April 14, 2011, cancellation of its competitive local exchange telecommunications company (CLEC) Certificate No. 8489 and intrastate interexchange telecommunication company (IXC) tariff, and remove the company's name from the IXC register, with an effective date of December 31, 2010, due to bankruptcy; direct the Division of Administrative Services to request permission from the Florida Department of Financial Services to write off any unpaid Regulatory Assessment Fees, including statutory late payment charges, instead of requesting collection services; and require the company to immediately cease and desist providing competitive local exchange and intrastate interexchange telecommunications services in Florida.

Issue 2: Should this docket be closed?

Recommendation: Yes, this docket should be closed if no protest is filed and upon issuance of a Consummating Order.

ITEM NO.

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6**

Docket No. 110089-EQ – Petition for approval of revisions to renewable energy tariff, by Florida Public Utilities Company.

Docket No. 110091-EQ – Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company.

Docket No. 110092-EI – Petition for approval of amended standard offer contract, by Progress Energy Florida, Inc.

Docket No. 110093-EI – Petition for approval of revisions to standard offer contract and rate schedules COG-1 and COG-2, by Tampa Electric Company.

Docket No. 110095-EQ – Petition for approval of new standard offer for purchase of firm capacity and energy from renewable energy facilities or small qualifying facilities and approval of revised tariff schedule REF-1, by Gulf Power Company.

Critical Date(s): 05/31/11 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown (110089-EQ, 110092-EI, and 110093-EI)
Administrative (110091-EQ and 110095-EQ)

Staff: RAD: Ellis, Graves, Lewis, Ma, Matthews

ECR: Kummer

GCL: Evans, Harris, Murphy, Tan

Issue 1: Should the Commission suspend the revised Standard Offer Tariffs filed by the electric investor-owned utilities?

Recommendation: Yes.

Issue 2: Should these dockets be closed?

Recommendation: No. If the Commission approves Issue 1, these dockets 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

7

Docket No. 100009-EI – Nuclear cost recovery clause.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Breman, Laux

GCL: Young, Williams

RAD: Garl

(Oral Argument Not Requested - Participation at the Discretion of the Commission)

Issue 1: Should the Commission grant PCS Phosphate's Motion for Reconsideration?

Recommendation: No. In reaching its conclusion that it did not have the authority to require a risk sharing mechanism that would provide an incentive for a utility to complete a project within an appropriate, established cost threshold, the Commission considered and evaluated all the relevant Florida Statutes and case law, the parties' briefs, and record evidence. Because the Commission did not overlook or fail to consider the relevant Florida Statutes, case law, parties' briefs, or evidence in the record, the motion for reconsideration should be denied.

Issue 2: Should this docket be closed?

Recommendation: Yes. Upon expiration of the time for appeal, if no appeal has been taken, this docket should be closed.

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CASE

8**PAA

Docket No. 100358-EI – Investigation into the design of Commercial Time-of-Use rates by Florida Power & Light, pursuant to Order No. PSC-10-0153-FOF-EI.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Draper, Kummer

GCL: Crawford

RAD: Ma

Issue 1: Should the Commission order FPL to file a new commercial TOU rate?

Recommendation: No, there is not enough evidence at this time that would support a new TOU rate for commercial customers. However, FPL should further investigate whether fuel TOU factors based on marginal costs and/or summer and winter differentiation would benefit customers and provide system benefits and report back in testimony filed in the 2011 fuel proceeding.

Issue 2: Should this docket be closed?

Recommendation: No. If no person whose substantial interests are affected by the PAA files a protest within 21 days of the issuance of the order, a consummating order will be issued. Once this action is complete, this docket should be closed.

ITEM NO.

CASE

9**

Docket No. 100400-WU – Investigation of rates of O&S Water Company, Inc. in Osceola County for possible overearnings.

Docket No. 100440-WU – Application for transfer of water facilities in Osceola County from O&S Water Company, Inc., to Tohopekaliga Water Authority and cancellation of Certificate No. 510-W.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Jones-Alexis, Fletcher, Kaproth, Maurey

GCL: Williams, Crawford

Issue 1: Should the Commission acknowledge the transfer of O&S' water facilities and territory to TWA as a matter of right and cancel Certificate No. 510-W?

Recommendation: Yes. The Commission should acknowledge the transfer of O&S' water facilities and territory as a matter of right, pursuant to Section 367.071(4)(a), F.S., and cancel Certificate No. 510-W effective December 8, 2010.

Issue 2: Should the Commission initiate an overearnings investigation of O&S, as ordered in Order No. PSC-10-0656-FOF-WU in Docket No. 100400-WU?

Recommendation: No. If the Commission acknowledges the transfer of O&S to TWA and cancels Certificate No. 510-W, the Commission should close the overearnings investigation of O&S as initiated by Order No. PSC-10-0656-FOF-WU, and any funds held subject to refund should be released to the Utility.

Issue 3: Should Docket Nos. 100400-WU and 100440-WU be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1 and 2, Docket Nos. 100400-WU and 100440-WU should be closed, as no further action is required.

ITEM NO.

CASE

10

Docket No. 100304-EU – Petition to resolve territorial dispute with Gulf Power Company in Okaloosa County by Choctawhatchee Electric Cooperative, Inc.

Critical Date(s): None

Commissioners Assigned: Graham, Edgar, Brisé

Prehearing Officer: Brisé

Staff: GCL: Jaeger

ECR: Rieger, Williams

(Participation is at the Discretion of the Commission)

Issue 1: Should the Commission grant Gulf's Motion for Summary Final Order?

Recommendation: No, Gulf has not satisfied the requirements for a Summary Final Order, and its Motion should be denied.

Issue 2: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1, the docket should remain open until the territorial dispute is resolved.