

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, July 17, 2012, 9:30 a.m.

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

DATE ISSUED: July 6, 2012

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.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service. Assistive Listening Devices are available at 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*.

Table of Contents
 Commission Conference Agenda
 July 17, 2012

1**	Consent Agenda	2
2**	Docket No. 110313-PU – Initiation of rulemaking to adopt Rule 25-6.0346, and to amend Rules 25-6.019, 25-6.0345, 25-6.060, 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C.....	3
3**	Docket No. 120068-GU – Petition to initiate rulemaking to amend Rule 25-12.045, F.A.C., by Florida Natural Gas Association.	4
4	Docket No. 110138-EI – Petition for increase in rates by Gulf Power Company.	5
5	Docket No. 110087-TP – Notice of adoption of existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a NewPhone, Inc. by Express Phone Service, Inc.....	6
6**	Docket No. 120058-EQ – Petition for approval of a negotiated renewable energy power purchase contract for power purchased with Rayonier Performance Fibers, LLC, by Florida Public Utilities Company.....	8
7**PAA	Docket No. 100048-WU – Application for increase in water rates in Marion County by Sunshine Utilities of Central Florida, Inc.	9
8**	Docket No. 120126-GU – Petition for approval of a residential standby generator rate schedule, by Florida City Gas.....	11

ITEM NO.

CASE

1** **Consent Agenda**

PAA A) Application for Certificate of Authority to Provide Telecommunications Service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
120160-TX	Access Networks of Florida, LLC

PAA B) Docket No. 120163-TX; Request for cancellation of Certificate of Necessity No. 8635 by BTEL, Inc., effective December 30, 2011.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CERTIFICATE NO.</u>	<u>EFFECTIVE DATE</u>
120163-TX	BTEL, Inc.	8635	12/30/2011

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

ITEM NO.

CASE

2**

Docket No. 110313-PU – Initiation of rulemaking to adopt Rule 25-6.0346, and to amend Rules 25-6.019, 25-6.0345, 25-6.060, 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: GCL: Cowdery

ECO: McNulty, Stallcup

ENG: Black, Moses, Trotter

(Proposal May Be Deferred.)

Issue 1: Should the Commission propose the amendment of Rules 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C.?

Recommendation: Yes, the Commission should propose the amendment of these rules as set forth in Attachment A of staff's memorandum dated July 5, 2012.

Issue 2: Should this docket be closed?

Recommendation: No. If no requests for hearing or comments are filed, the rules may be filed with the Department of State. This docket should remain open to address the remaining rules included in the docket.

ITEM NO.

CASE

3**

Docket No. 120068-GU – Petition to initiate rulemaking to amend Rule 25-12.045, F.A.C., by Florida Natural Gas Association.

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: GCL: Cowdery

AFD: Dowds, Mouring

ECO: McNulty, Stallcup

ENG: Black, Moses

Issue 1: Should the December 13, 2013 compliance date of the Waiver Order be extended by one year, such that Florida Natural Gas Association's local distribution company members will be required to bring their inactive service lines into compliance with Rule 25-12.045, F.A.C., by December 31, 2014?

Recommendation: Yes. Staff recommends that the December 31, 2013 compliance date of the Waiver Order should be extended by one year until December 13, 2014, to give the local distribution companies additional time to come into compliance with Rule 25-12.045, F.A.C.

Issue 2: Should this docket be closed?

Recommendation: No. Docket No. 120068-GU should remain open to allow staff to proceed with the rulemaking process.

ITEM NO.

CASE

4 **Docket No. 110138-EI** – Petition for increase in rates by Gulf Power Company.
(Deferred from the June 19, 2012 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: AFD: Slemkewicz, Gardner
GCL: Klancke, Barrera, Young
IDM: Breman

(Decision on Motion for Reconsideration - Oral Argument Requested on Gulf Power Company's Motion - Participation dependent upon Commissioners' vote on Issue 1.)

Issue 1: Should the Commission grant Gulf Power Company's Request for Oral Argument?

Recommendation: No. The Commission should deny Gulf Power Company's request for oral argument on its motion for reconsideration. The issues are thoroughly addressed in the parties' pleadings and it does not appear oral argument would aid the Commission in its decision.

Issue 2: Should the Commission grant Gulf Power Company's Motion for Reconsideration of Order No. PSC-12-0179-FOF-EI?

Recommendation: No. The Commission should deny the Motion for Reconsideration. Gulf Power Company has failed to identify a point of fact or law that was overlooked or which the Commission failed to consider in Order No. PSC-12-0179-FOF-EI.

Issue 3: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon the expiration of the time for appeal.

ITEM NO.

CASE

5

Docket No. 110087-TP – Notice of adoption of existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a NewPhone, Inc. by Express Phone Service, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: TEL: Bates

GCL: Tan

(Post-Hearing Decision - Participation is Limited to Commissioners and Staff.)

Issue 1: Is Express Phone's Notice of Adoption or AT&T Florida's denial of the adoption barred by the doctrines of equitable relief, including laches, estoppel and waiver?

Recommendation: The Commission has only those powers granted by statute expressly or by necessary implication and does not have authority to order equitable relief. Accordingly, it is not appropriate for the Commission to make a finding that the adoption is barred by the doctrines of equitable relief.

Issue 2: Is Express Phone permitted, under the applicable laws, to adopt the NewPhone Interconnection Agreement during the term of its existing agreement with AT&T Florida?

Recommendation: No. A telecommunications company should not be permitted to adopt an alternative interconnection agreement when it has failed to materially comply with its existing ICA. Express Phone failed to pay disputed amounts as required by its 2006 interconnection agreement with AT&T Florida and thus should not be eligible to adopt an alternative interconnection agreement until it is in compliance with the 2006 interconnection agreement.

Issue 3: Is Express Phone permitted under the terms of the interconnection agreement with AT&T Florida to adopt the NewPhone Interconnection Agreement?

Recommendation: No. Express Phone is not permitted, under the terms of the interconnection agreement with AT&T Florida, to adopt the NewPhone Interconnection Agreement.

Issue 4: If the NewPhone Interconnection Agreement is available for adoption by Express Phone, what is the effective date of the adoption?

Recommendation: If the Commission agrees with the recommendations in Issues 2 and 3 then this issue is moot. If the Commission determines in Issues 2 and 3 that the NewPhone Interconnection Agreement is available for adoption by Express Phone, the effective date should be March 29, 2011.

ITEM NO.

CASE

5

Docket No. 110087-TP – Notice of adoption of existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a NewPhone, Inc. by Express Phone Service, Inc.

(Continued from previous page)

Issue 5: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in all issues this docket should be closed after the time for filing an appeal has run.

If the Commission denies staff's recommendation in Issues 2 and 3 and approves the adoption, this docket should remain open pending the filing of the signed adoption between the parties, which should occur no later than 7 days following the Commission's vote. This docket should be closed administratively after the time for filing an appeal has run and upon issuance of a memo by staff acknowledging the Adoption of the NewPhone Interconnection Agreement.

ITEM NO.

CASE

6**

Docket No. 120058-EQ – Petition for approval of a negotiated renewable energy power purchase contract for power purchased with Rayonier Performance Fibers, LLC, by Florida Public Utilities Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: ENG: Ma, Watts

ECO: Garl

GCL: Robinson

Issue 1: Should the Commission approve the Petition submitted by FPUC that would allow cost recovery of a Negotiated Contract with the qualifying facility, Rayonier Performance Fibers, LLC?

Recommendation: Yes. The Negotiated Contract between FPUC and Rayonier provides FPUC with a viable source of electric capacity and energy that meets all requirements and rules governing renewable energy producers. Payments for energy and capacity are expected to produce overall savings of \$1.27 million over the term of the contract.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action.

ITEM NO.

CASE

7**PAA

Docket No. 100048-WU – Application for increase in water rates in Marion County by Sunshine Utilities of Central Florida, Inc.

Critical Date(s): 8-Month Effective Date Waived Through July 17, 2012.

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: AFD: Fletcher, M. Brown, Maurey

GCL: Jaeger

Issue 1: What are the appropriate service availability charges for the Utility?

Recommendation: Sunshine's current system capacity charge should be discontinued. In addition, the appropriate meter installation and customer connection tap-in charges are set forth below:

Meter Installation Charges	
<u>Meter Size</u>	<u>Charge</u>
5/8"x3/4"	\$115
1"	\$195
1-1/2"	\$530
2"	\$700
3"	\$1,030
4"	\$2,035
6"	\$3,560
Customer Connection Tap-In Charges	
Same Side of Road	\$750
Opposite Side of Road	\$1,115

Further, the Utility should file revised tariff sheets which are consistent with the Commission's decision. Staff should be given administrative authority to approve the revised tariff sheets upon verification that the tariffs are consistent with the Commission's decision. Once the revised tariff sheets and customer notice are filed and approved, the revised service availability charges should become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed.

ITEM NO.

CASE

7**PAA

Docket No. 100048-WU – Application for increase in water rates in Marion County by Sunshine Utilities of Central Florida, Inc.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: No. 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, a consummating order will be issued. The docket should remain open for staff's verification that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff, and that the interim refund has been completed and verified by staff. Once these actions are complete, this docket should be closed administratively, and the escrow account that was utilized to secure interim refunds should be released.

ITEM NO.

CASE

8**

Docket No. 120126-GU – Petition for approval of a residential standby generator rate schedule, by Florida City Gas.

Critical Date(s): 12/20/12 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: AFD: Willis

ECO: Draper

GCL: Brown

Issue 1: Should the Commission approve FCG's proposed new Residential Standby Generator Service (RSG) and new Commercial Standby Generator Service (CSG) rates schedules?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, this tariff should become effective on July 17, 2012. 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.

