

# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME:** Tuesday, February 19, 2013, 9:30 a.m.

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

**DATE ISSUED:** February 7, 2013

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### 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, and vote sheets are available from the PSC Web site, <http://www.floridapsc.com>, by selecting *Conferences & Meeting Agendas* and *Commission Conferences of the FPSC*. Once filed, a verbatim transcript of the Commission Conference will be available from this page by selecting the conference date, or by selecting *Clerk's Office* and the Item's docket number, (you can then advance to the *Docket Details* page and the Document Filings Index for that particular docket). An official vote of "move staff" denotes that the Item's recommendations were approved. 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](mailto: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 *Conferences & Meeting Agendas*, then *Audio and Video Event Coverage*.

Table of Contents  
Commission Conference Agenda  
February 19, 2013

1**	<b>Consent Agenda</b> .....	2
2**	<b>Docket No. 130033-PU</b> – Proposed amendment of Rule 25-6.0131, F.A.C., Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives, Rule 25-7.0131, F.A.C., Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts, Rule 25-7.101, F.A.C., Regulatory Assessment Fees (Natural Gas Transmission Companies); and Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities. ....	3
3**PAA	<b>Docket No. 120219-WS</b> – Application for approval of transfer of Plantation Landings, Ltd. water and wastewater system and Certificate Nos. 606-W and 522-S in Polk County to GCP Plantation Landings, LLC.....	4
4**	<b>Docket No. 120272-WS</b> – Joint application for expedited approval of transfer of Aqua Utilities Florida, Inc.'s water and wastewater facilities serving the Arredondo Farms Mobile Home Park in Alachua County to YES Companies, LLC, an exempt entity under Section 367.022(5), F.S., requesting cancellation of Certificate No. 479-S, and amendment of Certificate No. 549-W to delete Arredondo Farms Mobile Home Park service territory. ....	6

**ITEM NO.**

**CASE**

1\*\*

**Consent Agenda**

PAA

A) Applications for Certificates of Authority to Provide Telecommunications Service.

<u>DOCKET</u>	<u>COMPANY NAME</u>	<u>CERT.NO.</u>
120321-TX	Zayo Group, LLC	8836
120324-TX	Custom Tel, LLC	8838

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

**ITEM NO.**

**CASE**

2\*\*

**Docket No. 130033-PU** – Proposed amendment of Rule 25-6.0131, F.A.C., Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives, Rule 25-7.0131, F.A.C., Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts, Rule 25-7.101, F.A.C., Regulatory Assessment Fees (Natural Gas Transmission Companies); and Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities.

**Rule Status:** Proposed

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Brown

**Staff:** GCL: Gervasi

AIT: Belcher, Kissell

AFD: Slemkewicz, Bulecza-Banks

ECO: King

**Issue 1:** Should the Commission propose the amendment of Rule 25-6.0131, F.A.C., Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives, Rule 25-7.0131, F.A.C., Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts, Rule 25-7.101, F.A.C., Regulatory Assessment Fees (Natural Gas Transmission Companies); and Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities?

**Recommendation:** Yes, the Commission should propose the amendment of Rules 25-6.0131, 25-7.0131, 25-7.101, and 25-30.120, F.A.C., as set forth in Attachment A of staff's memorandum dated February 7, 2013.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes, if 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.

**ITEM NO.**

**CASE**

3\*\*PAA

**Docket No. 120219-WS** – Application for approval of transfer of Plantation Landings, Ltd. water and wastewater system and Certificate Nos. 606-W and 522-S in Polk County to GCP Plantation Landings, LLC.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** AFD: VanEsselstine, Fletcher, Maurey

ENG: Simpson, Vickery

GCL: Brown

**(Proposed Agency Action for Issue 2 - Interested Persons May Participate)**

**Issue 1:** Should the Commission approve the transfer of the Plantation Landings, Ltd. water and wastewater system and Certificate Nos. 606-W and 522-S to GCP Plantation Landings, LLC?

**Recommendation:** Yes. The transfer is in the public interest and should be approved effective the date of the Commission vote. The territory being transferred is described in Attachment A of staff's memorandum dated February 7, 2013. The resultant order should serve as GCP's water and wastewater certificates and should be retained as such. Pursuant to Rule 25-9.044(1), Florida Administrative Code (F.A.C.), the Utility's existing rates and charges should remain in effect until a change is authorized by the Commission in a subsequent proceeding. The tariffs reflecting the transfer should be effective for services rendered or connections made on or after the stamped approval date on the tariffs, pursuant to Rule 25-30.475(1), F.A.C. GCP should be responsible for annual reports and regulatory assessment fees (RAFs) for 2012 and all future years.

**Issue 2:** What are the appropriate net book values for Plantation Landings' water and wastewater systems for transfer purposes and should an acquisition adjustment be approved?

**Recommendation:** The net book values of Plantation Landings' water and wastewater systems for transfer purposes are \$67,888 and \$101,679, respectively, as of December 31, 2011. An acquisition adjustment should not be included in rate base. Within 30 days of the final order, GCP should be required to provide general ledgers that show its books have been updated to reflect the Commission-approved balances as of December 31, 2011, along with a statement that these adjustments will also be reflected in the Utility's 2012 annual report.

**ITEM NO.**

**CASE**

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3\*\*PAA

**Docket No. 120219-WS** – Application for approval of transfer of Plantation Landings, Ltd. water and wastewater system and Certificate Nos. 606-W and 522-S in Polk County to GCP Plantation Landings, LLC.

(Continued from previous page)

**Issue 3:** Should this docket be closed?

**Recommendation:** Yes. If no protest to the proposed agency action issue is filed by a substantially affected person within 21 days of the date of the order, the docket should be closed upon the issuance of a consummating order.

**ITEM NO.**

**CASE**

4\*\*

**Docket No. 120272-WS** – Joint application for expedited approval of transfer of Aqua Utilities Florida, Inc.'s water and wastewater facilities serving the Arredondo Farms Mobile Home Park in Alachua County to YES Companies, LLC, an exempt entity under Section 367.022(5), F.S., requesting cancellation of Certificate No. 479-S, and amendment of Certificate No. 549-W to delete Arredondo Farms Mobile Home Park service territory.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** AFD: VanEsselstine, Fletcher, Maurey

ENG: Buys, Lewis

GCL: Brown

**Issue 1:** Should the Commission approve the transfer of Aqua Utilities Florida, Inc.'s water and wastewater facilities serving the Arredondo Farms Mobile Home Park to YES Companies, LLC, the cancellation of Certificate No. 479-S, and the amendment of AUF's Certificate No. 549-W?

**Recommendation:** Yes. The transfer is in the public interest and the Commission should approve it effective the date of the Commission's vote. Certificate No. 479-S should be cancelled administratively upon receipt of the executed agreement confirming the actual date of closing, which is scheduled to take place fifteen business days after the Commission's approval of the transfer. AUF should be required to file closing documents that contain evidence of the date of closing within 90 days of the date of the closing. AUF is responsible for regulatory assessment fees (RAFs) through the closing date and the filing of the 2012 annual report. Finally, if the Commission approves the transfer, this territory should be deleted from Certificate No. 549-W.

**Issue 2:** Should this docket be closed?

**Recommendation:** No. This docket should remain open until the executed purchase agreement confirms the actual date of closing. Upon receipt, the docket should be closed administratively.