

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, August 13, 2013, 9:30 a.m.

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

DATE ISSUED: August 1, 2013

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.

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*.

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ITEM NO.

CASE

1**

Consent Agenda

PAA

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

<u>DOCKET</u>	<u>COMPANY NAME</u>	<u>CERT.NO.</u>
130164-TX	Voice Stream Network, Inc.	8846

Recommendation: The Commission should approve the action requested in the docket referenced above and close this docket.

ITEM NO.

CASE

2**

Docket No. 130148-PU – Proposed adoption of Rule 25-6.0431, F.A.C., Petition for Limited Proceeding and Rule 25-7.0391, F.A.C., Petition for Limited Proceeding, and Amendment of Rule 25-22.0406, F.A.C., Notice and Public Information on General Rate Increase Request by Electric, Gas and Telephone Companies.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: GCL: Cowdery, Page

AFD: Bulecza-Banks, Maurey

ECO: McNulty

Issue 1: Should the Commission propose the adoption of Rule 25-6.0431, F.A.C., Petition for a Limited Proceeding, and Rule 25-7.0391, F.A.C., Petition for a Limited Proceeding, and the amendment of Rule 25-22.0406, F.A.C., Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies?

Recommendation: Yes, the Commission should propose the adoption and amendment of these rules as set forth in Attachment A of staff's memorandum dated August 1, 2013.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules may be filed with the Department of State, and then this docket may be closed.

ITEM NO.

CASE

3**

Docket No. 130160-EI – Petition for declaratory statement regarding the inspection, repair and replacement of meter enclosures for smart meter analytical tool, by Florida Power & Light Company.

Critical Date(s): 09/04/13 (Final Order must be issued by this date, pursuant to Section 120.565(3), Florida Statutes)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: GCL: Cowdery

ENG: C. Lewis, Matthews, Vickery

IDM: Clemence

(Participation is at the discretion of the Commission and depends on the Commission's vote on Issue 1.)

Issue 1: Should the Office of Public Counsel's motion for an evidentiary hearing on FPL's Petition for Declaratory Statement be granted?

Recommendation: No, the Commission should deny the Office of Public Counsel's motion for an evidentiary hearing. The Commission should, consistent with Rule 28-105.003, F.A.C., rely on the facts set forth in FPL's Petition and response to Staff's First Data Request without taking a position on the validity of the facts. However, staff recommends that the Commission allow each party 10 minutes to present oral argument at the agenda conference.

Issue 2: Should the Commission issue a declaratory statement in response to FPL's Petition?

Recommendation: Yes, the Commission should issue a declaratory statement that, applying Order Nos. 18893, PSC-95-0131-FOF-EI, and PSC-11-0194-DS-EI to FPL's set of circumstances, for the limited purpose of FPL developing a predictive tool for the benefit of all customers, it would be consistent with the Orders that 1) the approximately 400 individual customers participating in the Project not be charged by FPL for Project expenses related to inspection, repair, or replacement of their individual meter enclosures; and 2) FPL's inspection, repair, or replacement of the approximately 400 meter enclosures as part of the Project would not result in FPL obtaining any ownership interest in those meter enclosures or an obligation to repair or replace any of those meter enclosures due to wear or obsolescence after the Project has been completed. This declaratory statement should not be construed as addressing or approving the Project or future use of any predictive tool developed by FPL. Moreover, this declaratory statement does not address what may be the cause of any meter communication problems that may be identified by FPL or prejudice any cost recovery the utility might seek in relation to the Project's costs.

ITEM NO.

CASE

3**

Docket No. 130160-EI – Petition for declaratory statement regarding the inspection, repair and replacement of meter enclosures for smart meter analytical tool, by Florida Power & Light Company.

(Continued from previous page)

Issue 3: Should this docket be closed?

Recommendation: Yes, the docket should be closed.

ITEM NO.

CASE

4**

Docket No. 130135-GU – Joint petition of Florida Public Utilities Company, Florida Public Utilities-Indiantown Division and the Florida Division of Chesapeake Utilities Corporation for approval of Commercial Natural Gas Service Programs.

Critical Date(s): 8-Month Effective Date: January 3, 2014

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Garl

GCL: Tan

Issue 1: Should the Commission approve the commercial natural gas vehicle service programs and associated tariffs proposed by FPUC, Indiantown, and Chesapeake?

Recommendation: Yes, the Commission should approve the proposed programs and associated tariffs.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, the tariffs should become effective on August 13, 2013. If a protest is filed within 21 days of the issuance of the order, the tariffs 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.

ITEM NO.

CASE

5**

Docket No. 130147-GU – Request for approval of tariff modifications applicable to natural gas vehicles and fueling facilities, by Florida City Gas.

Critical Date(s): 8-Month Effective Date: January 22, 2014

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Garl, Draper
ENG: Jopling, Watts
GCL: M. Brown

Issue 1: Should the Commission approve City Gas' petition to revise its tariffs applicable to NGV service?

Recommendation: Yes, the Commission should approve City Gas' petition to revise its tariffs applicable to NGV service. City Gas' proposed NGV programs and tariffs are reasonable and will allow City Gas to recover its cost of providing NGV service. The current NGV tariff should be closed to new customers effective August 13, 2013. New NGV customers would take service under the new NGV-II tariff.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, the tariffs should become effective on August 13, 2013. If a protest is filed within 21 days of the issuance of the order, the tariffs 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.

ITEM NO.

CASE

6

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.; 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: Brisé, Edgar, Balbis

Prehearing Officer: Edgar

Staff: GCL: Tan

TEL: Curry, Long

Issue 1: Should the Commission grant the Qwest Communications Company, LLC d/b/a CenturyLink QCC's Request for Oral Argument?

Recommendation: No. The Commission should deny QCC's Request for Oral Argument on its motion for reconsideration. Staff believes that the parties have addressed the issues thoroughly and it does not appear that oral argument would assist the Commission in its decision. However, should the Commission, at its discretion, allow oral argument, staff recommends that each party be allowed five minutes to present its arguments.

Issue 2: Should the Commission grant Qwest Communications Company, LLC d/b/a CenturyLink QCC's Motion for Reconsideration of Order No. PSC-13-0185-FOF-TP?

Recommendation: No. The Commission should deny Qwest Communications Company, LLC d/b/a CenturyLink QCC's Motion for Reconsideration of Order No. PSC-13-0185-FOF-TP.

Issue 3: Should this docket be closed?

Recommendation: The docket should be closed after the time for filing an appeal has run.