

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Thursday, March 13, 2014, 9:30 a.m.

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

DATE ISSUED: March 11, 2014*

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, Gerald L. Gunter Building, Room 152.

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*.

* Revised Recommendation for Item 3 filed this date.

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ITEM NO.

CASE

1**

Consent Agenda

PAA

A) Application for Certificate of Authority to Provide Pay Telephone Service.

DOCKET NO. COMPANY NAME

130275-TC Combined Public Communications, Inc.

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

ITEM NO.

CASE

2**

Docket No. 130086-SU – Complaint of K W Resort Utilities Corp. against Monroe County, Florida for alleged entitlement to collect certain capacity reservation fees for excess capacity used.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: GCL: Klancke

ECO: Daniel, Hudson, Roberts

ENG: Watts

(Notice of Voluntary Dismissal - Interested Persons May Participate.)

Issue 1: Should the Commission acknowledge K W Resort Utilities Corporation's voluntary dismissal with prejudice of its complaint against Monroe County, Florida for alleged entitlement to collect certain capacity reservation fees for excess capacity used?

Recommendation: Yes, the Commission should acknowledge K W Resort Utilities Corporation's voluntary dismissal with prejudice of its complaint against Monroe County, Florida as a matter of right.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, the docket should be closed.

ITEM NO.

CASE

3**

Docket No. 130188-EM – Complaint regarding electric rate structure for Gainesville Regional Utilities.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: GCL: Barrera, Crawford, Gilcher

ECO: Draper, King

(Motion to Dismiss, Oral Argument is Requested - Participation Limited to Interested Persons.)

Issue 1: Should the Commission grant Complainants' Request for Oral Argument on GRU's Motion to Dismiss?

Recommendation: Yes. The request for oral argument should be granted in order to assist the Commission to understand the parties' arguments and positions on the motion to dismiss. If the Commission grants oral argument, staff recommends granting each side five (5) minutes.

Issue 2: Should the Commission grant GRU's Motion to Dismiss?

Recommendation: Yes. The Commission should grant GRU's Motion to Dismiss and dismiss, with prejudice, the portions of the Complaint regarding GRU's rates and the wholesale contract. The portion of the Complaint challenging the rate structure in effect at the time the Complaint was filed should be dismissed without prejudice as moot. Complainants should be given leave to file an amended Complaint based on GRU's current rate structure within 15 days of the Commission's decision. The amended Complaint should state with specificity those sections of the rate structure Complainants challenge, the reasons therefor, and the specific relief requested.

Issue 3: Should the Commission grant a hearing in this matter?

Recommendation: Complainants are not entitled to a hearing as there is no proposed agency action upon which a hearing can be granted under Section 120.569, F.S.

Issue 4: Should this docket be closed?

Recommendation: If the Motion to Dismiss is denied, the docket should remain open to address the Complaint. If granted, the docket should remain open to allow Complainants to file an amended Complaint within the 15 day deadline. If no amended Complaint is filed within the deadline, the docket should be closed administratively.

ITEM NO.

CASE

4**

Docket No. 140031-WS – Initiation of show cause proceedings against Country Club Utilities, Inc. in Highlands County for violations of Rule 25-30.120, FAC, Regulatory Assessment Fees; Water and Wastewater Utilities.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: GCL: Corbari, Teitzman

AIT: Belcher, Kissell

AFD: Maurey

APA: Deamer

TEL: Earnhart

(Show Cause.)

Issue 1: Should Country Club Utilities, Inc. be ordered to show cause in writing, within 21 days, why it is not obligated to remit payment in the amount of \$46,836.91, for delinquent Regulatory Assessment Fees, plus statutory penalties and interest, for the years 2010, 2011 and 2012?

Recommendation: Yes. Country Club should be ordered to show cause in writing, within 21 days, why it is not obligated to remit payment in the amount of \$46,836.91, for delinquent Regulatory Assessment Fees, plus statutory penalties and interest, for the years 2010, 2011 and 2012 on or before April 17, 2014. Specifically, staff recommends that the Utility be directed to pay its past due RAFs in the amount of \$8,248.08 for 2010, \$11,269.13 for 2011, and \$11,293.07 for 2012, including statutory interest and penalties in the amounts of, \$6,326.33 for 2010, \$5,521.87 for 2011, and \$4,178.43 for 2012.

Issue 2: Should this docket be closed?

Recommendation: If Country Club Utilities, Inc. pays its delinquent RAFs, in the amount of \$30,810.28, plus penalties and interest in the amount of \$16,026.63, by April 17, 2014, the docket should be closed administratively. If Issue 1 is approved and Country Club timely responds in writing to the Order to Show Cause, the docket should remain open to allow for the appropriate processing of the response. If Issue 1 is approved and Country Club does not pay its delinquent RAFs and penalties and interest, or does not respond to the Order to Show Cause, the docket should remain open to allow the Commission to pursue collection of the amounts owed by the Utility. Additionally, staff requests the Commission authorize the Office of the General Counsel to pursue all reasonable means necessary to collect the amounts owed by Country Club, including, but not limited to, initiating action in circuit court, pursuant to Section 367.121(1)(g) and (j).

ITEM NO.

CASE

5**

Docket No. 120172-WS – Application for staff-assisted rate case in Highlands County by Country Club Utilities, Inc.

Critical Date(s): 05/13/14 (15 month effective date (SARC))

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: AFD: Maurey

ECO: Bruce

ENG: Rieger

GCL: Corbari, Teitzman

Issue 1: Should this staff-assisted rate case be dismissed and the docket closed?

Recommendation: Yes. The lack of cooperation demonstrated by the Utility has made it difficult for staff to effectively fulfill its duties, pursuant to Section 367.0814, F.S. Therefore, this docket should be closed.

ITEM NO.

CASE

6**PAA

Docket No. 130300-TX – Request for relinquishment of eligible telecommunications carrier (ETC) designation in Florida, by Express Phone Service, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: TEL: Beard

GCL: Tan

Issue 1: Should the Commission grant Express Phone Service, Inc.'s request for relinquishment of its ETC designation in AT&T's and Verizon's service areas in Florida without prejudice?

Recommendation: Yes, the Commission should grant Express Phone Service, Inc.'s request for relinquishment of its ETC designation in AT&T's and Verizon's service areas in Florida without prejudice.

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

7**PAA

Docket No. 130055-WS – Application for approval of transfer of LP Utilities Corporation's water and wastewater systems and Certificate Nos. 620-W and 533-S, to LP Waterworks, Inc., in Highlands County.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ENG: Lee

AFD: Brown

ECO: Roberts

GCL: Brownless

(Proposed Agency Action for Issue 2.)

Issue 1: Should the transfer of L.P. Utilities' water and wastewater systems and Certificate Nos. 620-W and 533-S to LP Waterworks, Inc. be approved?

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 27, 2014. The resultant order should serve as the water and wastewater certificates for LP Waterworks, Inc. (LPWWI) 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. LPWWI should be responsible for annual reports and regulatory assessment fees (RAFs) for 2013 and all future years.

Issue 2: What is the appropriate net book value for LPWWI's water and wastewater systems for transfer purposes and should an acquisition adjustment be approved?

Recommendation: The net book value (NBV) of LPWWI's water and wastewater systems for transfer purposes should be \$79,237 and \$98,690, respectively, as of December 27, 2012. An acquisition adjustment should not be included in rate base. Within 30 days of the date of the final order, LPWWI should be required to provide general ledgers which show its books have been updated to reflect the Commission-approved balances as of December 27, 2012. The adjustments should be reflected in the Utility's 2013 annual report when filed.

Issue 3: Should this docket be closed?

Recommendation: Yes. If no protest to the proposed agency action is filed by a substantially affected person within 21 days of the date of the order, the docket should be closed administratively after LPWWI has provided proof that its general ledgers have been updated to reflect Commission-approved balances as of December 27, 2012, along with a written statement that these adjustments will be reflected in the Utility's 2013 annual report.

ITEM NO.

CASE

8**

Docket No. 130261-WU – Application for amendment of Certificate No. 401-W in Highlands County, by Placid Lakes Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ENG: Watts

GCL: Gilcher

Issue 1: Should the Commission approve Placid Lakes Utilities’ application for amendment of Certificate 401-W?

Recommendation: Yes. The Commission should approve Placid Lakes’ application for amendment of Certificate No. 401-W to include territory as reflected in Attachment A of staff’s memorandum dated February 27, 2014. The resultant order should serve as Placid Lakes’ amended certificate and should be retained by the Utility. The Utility should continue to charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized to change by the Commission. In addition, the Utility should be ordered to file revised tariff sheets that incorporate the additional territory within thirty days from the date of the Commission Order approving the amendment.

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

9**PAA

Docket No. 130276-SU – Application for approval of new class of service for reuse water service in Lee County, by Forest Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Roberts

GCL: Brownless

Issue 1: Should the proposed tariff to establish a reuse water rate for Forest be approved as filed?

Recommendation: Yes. The proposed tariff to establish a reuse water rate for Forest should be approved as filed. The Utility should file a proposed customer notice to reflect the Commission-approved rate. The approved rate should be effective for services rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), F.A.C. In addition, the approved rate should not be implemented until staff has approved the proposed customer notice and the notice has been received by the customer. The Utility should provide proof of the date notice was given within 10 days of the date of the notice.

Issue 2: Should this docket be closed?

Recommendation: If no protest is filed by a person whose interests are substantially affected within 21 days of the issuance of the Order, the Tariff Order will become final upon the issuance of a Consummating Order and the docket should be closed. If a protest is filed within 21 days of the issuance of the Order, the tariff should remain in effect pending the resolution of the protest, and the docket should remain open.