

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Thursday, January 8, 2015, 9:30 a.m.

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

DATE ISSUED: December 23, 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*.

Table of Contents
Commission Conference Agenda
January 8, 2015

1**	Consent Agenda	1
2**	Docket No. 140222-TC – Initiation of show cause proceedings against Tri-County Telephone, Inc. for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.....	2
3**	Docket No. 140223-TC – Initiation of show cause proceedings against Florida Public Telephone Company for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.....	4
4**PAA	Docket No. 140005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.	6
5**	Docket No. 140038-SU – Application for transfer of majority organizational control of Crooked Lake Park Sewerage Co. in Polk County, to Glenbrook Properties, LLC, a Florida limited liability company.	8

ITEM NO.

CASE

1**

Consent Agenda

PAA

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
140178-TX	ITS Fiber, LLC d/b/a ITS Fiber
140193-TX	Atlantis Communications LLC

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

ITEM NO.

CASE

2**

Docket No. 140222-TC – Initiation of show cause proceedings against Tri-County Telephone, Inc. for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: GCL: Corbari

CAO: Hicks

TEL: Casey

Issue 1: Should the Commission order Tri-County Telephone, Inc., to show cause in writing within 21 days of the date of the order why it should not be penalized \$2,000 or its Certificate No. 7903 should not be cancelled for apparent violations of Section 364.335(2), F.S., Section 364.3375(2), F.S., Rule 25-4.0051, F.A.C., and Rule 25-22.032(6)(b), F.A.C.?

Recommendation: Yes. The Commission should order Tri-County Telephone, Inc., to show cause in writing within 21 days of the issuance of the Commission Order why it should not be penalized \$2,000 or its Certificate No. 7903 cancelled for apparent violations of Section 364.335(2), F.S., Section 364.3375(2), F.S., Rule 25-4.0051, F.A.C., and Rule 25-22.032(6)(b), F.A.C. Specifically, staff recommends that Tri-County Telephone, Inc., be directed to repair or remove the inoperable payphone, pay a penalty of \$2,000, update company contact information with the Commission Clerk, and update the Company's Corporate Registration with the Florida Secretary of State. Tri-County Telephone, Inc.'s response must contain specific allegations of fact or law. If Tri-County Telephone, Inc., fails to respond to the show cause order or request a hearing, pursuant to Section 120.57, F.S., within 21 days and/or remit the penalty, the facts should be deemed admitted and the Company's Certificate No. 7903 should be cancelled. If a penalty is assessed and paid by the Company, the Commission will remit the penalty to the State of Florida General Revenue Fund, pursuant to Section 364.285, F.S.

ITEM NO.

CASE

2**

Docket No. 140222-TC – Initiation of show cause proceedings against Tri-County Telephone, Inc. for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

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Issue 2: Should this docket be closed?

Recommendation: No. If Issue 1 is approved, then Tri-County Telephone, Inc., will have 21 days, from the issuance of the Order to Show Cause, to respond in writing why it should not be assessed a penalty or have its certificate canceled. If Tri-County Telephone, Inc. timely responds, in writing, to the Order to Show Cause, and repairs or removes the inoperable payphone, updates the company contact information with the Commission Clerk, updates the Company's Corporate Registration with the Florida Secretary of State, and timely pays the assessed penalty of \$2,000, the penalty should be deposited in the Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes, and the docket closed administratively. If Issue 1 is approved and Tri-County Telephone, Inc. fails to timely respond to the Order to Show Cause or request a hearing, fails to repair or remove the inoperable payphone, fails to update the company contact information with the Commission Clerk, fails to update the Company's Corporate Registration with the Florida Secretary of State, or fails to timely pay the assessed penalty of \$2,000, then Tri-County Telephone, Inc.'s Certificate No. 7903 should be canceled and the docket closed administratively.

ITEM NO.

CASE

3**

Docket No. 140223-TC – Initiation of show cause proceedings against Florida Public Telephone Company for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: GCL: Corbari

CAO: Hicks

TEL: Casey

Issue 1: Should the Commission order Florida Public Telephone Company to show cause in writing, within 21 days of the date of the order why it should not be penalized \$2,000, or its Certificate No. 5108 should not be cancelled for apparent violations of Section 364.335(2), F.S., Section 364.3375(2), F.S., Rule 25-4.0051, F.A.C., and Rule 25-22.032(6)(b), F.A.C.?

Recommendation: Yes. The Commission should order Florida Public Telephone Company to show cause in writing, within 21 days of the issuance of an Order, why it should not be penalized \$2,000, or its Certificate No. 5108 cancelled for apparent violations of Section 364.335(2), F.S., Section 364.3375(2), F.S., Rule 25-4.0051, F.A.C., and Rule 25-22.032(6)(b), F.A.C. Specifically, staff recommends that Florida Public Telephone Company be directed to repair or remove the inoperable payphones, pay a penalty of \$2,000, update company contact information with the Commission Clerk, and update the Company's Corporate Registration with the Florida Secretary of State. Florida Public Telephone Company's response must contain specific allegations of fact or law. If Florida Public Telephone Company fails to respond to the show cause order or request a hearing, pursuant to Section 120.57, F.S., within 21 days and/or remit the penalty and resolve the complaints, the facts should be deemed admitted and the Company's Certificate No. 5108 should be cancelled. If a penalty is assessed and paid by the Company, the Commission will remit the penalty to the State of Florida General Revenue Fund, pursuant to Section 364.285, F.S.

ITEM NO.

CASE

3**

Docket No. 140223-TC – Initiation of show cause proceedings against Florida Public Telephone Company for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: No. If Issue 1 is approved, then Florida Public Telephone Company, will have 21 days, from the issuance of the Order to Show Cause, to respond in writing why it should not be assessed a penalty or have its certificate canceled. If Florida Public Telephone Company timely responds, in writing, to the Order to Show Cause, and repairs or removes the inoperable payphones, updates the company contact information with the Commission Clerk, updates the Company's Corporate Registration with the Florida Secretary of State, and timely pays the assessed penalty of \$2,000, the penalty should be deposited in the Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes, and the docket closed administratively. If Issue 1 is approved and Florida Public Telephone Company fails to timely respond to the Order to Show Cause or request a hearing, fails to repair or remove the inoperable payphones, fails to update the company contact information with the Commission Clerk, fails to update the Company's Corporate Registration with the Florida Secretary of State, or fails to timely pay the assessed penalty of \$2,000, then Florida Public Telephone Company's Certificate No. 5108 should be canceled and the docket closed administratively.

ITEM NO.

CASE

4**PAA

Docket No. 140005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.

Critical Date(s): 03/31/15 (Statutory Reestablishment Deadline)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: AFD: T. Brown, Norris, Fletcher

GCL: Villafrate

(This recommendation should also be placed in Docket No. 150005-WS, upon its establishment on January 2, 2015.)

Issue 1: Which index should be used to determine price level adjustments?

Recommendation: The Gross Domestic Product Implicit Price Deflator Index is recommended for use in calculating price level adjustments. Staff recommends calculating the 2015 price index by using a fiscal year, four quarter comparison of the Implicit Price Deflator Index ending with the third quarter 2014.

Issue 2: What rate should be used by water and wastewater utilities for the 2015 Price Index?

Recommendation: The 2015 Price Index for water and wastewater utilities should be 1.57 percent.

Issue 3: How should the utilities be informed of the indexing requirements?

Recommendation: Pursuant to Rule 25-30.420(1), F.A.C., the Office of Commission Clerk, after the expiration of the Proposed Agency Action (PAA) protest period, should mail each regulated water and wastewater utility a copy of the PAA order establishing the index containing the information presented in Form PSC/ECR 15 (4/99) and Appendix A (Attachment 1 of staff's memorandum dated December 23, 2014). A cover letter from the Director of the Division of Accounting and Finance should be included with the mailing of the order (Attachment 2 of staff's memorandum dated December 23, 2014). The entire package will also be made available on the Commission's website.

ITEM NO.

CASE

4**PAA

Docket No. 140005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.

(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: No. Upon expiration of the 14-day protest period, if a timely protest is not received, the decision should become final and effective upon the issuance of a Consummating Order. Any party filing a protest should be required to prefile testimony with the protest. However, this docket should remain open through the end of the year and be closed upon the establishment of the new docket on January 4, 2016.

ITEM NO.

CASE

5**

Docket No. 140038-SU – Application for transfer of majority organizational control of Crooked Lake Park Sewerage Co. in Polk County, to Glenbrook Properties, LLC, a Florida limited liability company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ENG: Lee

AFD: Frank

ECO: Bruce

GCL: Crawford, Mapp

Issue 1: Should the application for transfer of majority organizational control of Crooked Lake Park Sewerage Company in Polk County to Glenbrook Properties, LLC be approved?

Recommendation: Yes. The transfer of majority organizational control to Glenbrook Properties, LLC, is in the public interest and should be approved effective the date of the Commission vote. The resultant order should serve as the wastewater certificate, with the territory described in Attachment A of staff's memorandum dated December 23, 2014. The 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, Florida Administrative Code (F.A.C.).

Issue 2: Should this docket be closed?

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