

MINUTES OF
COMMISSION CONFERENCE, TUESDAY, JUNE 6, 2000
COMMENCED: 10:00 a.m.
ADJOURNED: 12:30 p.m.

COMMISSIONERS PARTICIPATING: Chairman Garcia (via video
teleconferencing)

Commissioner Deason
Commissioner Clark
Commissioner Jacobs
Commissioner Jaber

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- 1 Approval of Minutes
March 28, 2000, Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

- 2 Consent Agenda

- A) Applications for certificates to
provide pay telephone service.

DOCKET NO. 000408-TC -Leonel Mungia
DOCKET NO. 000546-TC -David E. Adams
DOCKET NO. 000564-TC -Michael S Sims d/b/a SunDial
DOCKET NO. 000565-TC -J.C. Burke, Inc.
DOCKET NO. 000468-TC -Dale Eilers d/b/a Eilers Trade
DOT COM F.S.
DOCKET NO. 000566-TC -Freedom Phone Services, LLC

- B) Applications for certificates to
provide alternative local
exchange telecommunications
service.

DOCKET NO. 000284-TX -ConnectSouth Communications of
Florida, Inc.
DOCKET NO. 000384-TX -DV2, Inc.

- C) Applications for certificates to
provide interexchange
telecommunications service.

DOCKET NO. 000293-TI -ConnectSouth Communications of
Florida, Inc.

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Consent Agenda

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DOCKET NO. 000321-TI -Cypress Communications, Inc.
d/b/a Cypress Communications of South Florida, Inc.
DOCKET NO. 000385-TI -DV2, Inc.

D) Requests for cancellation of pay
telephone certificates.

DOCKET NO. 000529-TC -University Athletic Association,
Inc.

DOCKET NO. 000539-TC -William A. Shaw

DOCKET NO. 000540-TC -Ray Gruber

DOCKET NO. 000481-TC -A & R Payphone Inc.

DOCKET NO. 000551-TC -Shirley A. Nunley

E) DOCKET NO. 000491-TC - Request
for cancellation of PATS
Certificate No. 5832 by Dan
Strickland, and application for
certificate to provide pay
telephone service by Bealls
Communications Group, Inc.

F) Requests for approval of resale
agreements.

DOCKET NO. 000457-TP -Sprint-Florida, Incorporated
with AMAFLA Telecom, Inc.

(Critical Date: 7/18/00)

DOCKET NO. 000489-TP -GTC, Inc. d/b/a GT Com with
Atlantic.Net Broadband, Inc.

(Critical Date: 7/24/00)

DOCKET NO. 000509-TP -BellSouth Telecommunications,
Inc. with PARCOM Communications, Inc.

(Critical Date: 7/26/00)

DOCKET NO. 000513-TP -GTE Florida Incorporated with
Lindsey L. Harris d/b/a H & L Taxhaus Communications

(Critical Date: 7/27/00)

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2	Consent Agenda (Continued from previous page)
G)	DOCKET NO. 000488-TP - Request by BellSouth Telecommunications, Inc. for approval of amendment to existing resale agreement with TriVergent Communications. (Critical Date: 7/23/00)
H)	DOCKET NO. 000508-TP - Request by BellSouth Telecommunications, Inc. for approval of collocation agreement with Maxcess, Inc. (Critical Date: 7/26/00)
I)	DOCKET NO. 000490-TP - Petition by GTE Florida Incorporated for approval of interconnection agreement with TSR Wireless LLC. (Critical Date: 7/24/00)
J)	Requests for approval of interconnection, unbundling and resale agreements. DOCKET NO. 000448-TP -Network Telephone Corporation with Sprint-Florida, Incorporated. (Critical Date: 7/16/00) DOCKET NO. 000458-TP -Sprint-Florida, Incorporated with Sprint Communications Company Limited Partnership (Critical Date: 7/18/00)
K)	Requests for approval of renegotiated interconnection, unbundling, resale and collocation agreements. DOCKET NO. 000524-TP -BellSouth Telecommunications, Inc. with Time Warner Telecom of Florida, L.P. (Critical Date: 7/30/00)

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Consent Agenda

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DOCKET NO. 000525-TP -BellSouth Telecommunications,
Inc. with Oltronics, Inc.
(Critical Date: 7/30/00)

L) Requests for approval of
amendment to interconnection,
unbundling and resale
agreements.

DOCKET NO. 000469-TP -GTE Florida Incorporated with
NorthPoint Communications, Inc.
(Critical Date: 7/19/00)

DOCKET NO. 000483-TP -BellSouth Telecommunications,
Inc. with Adelpia Business Solutions of Florida, LLC
(Critical Date: 7/23/00)

DOCKET NO. 000485-TP -BellSouth Telecommunications,
Inc. with Kexa Corp d/b/a Capital Exploration
(Critical Date: 7/23/00)

DOCKET NO. 000486-TP -BellSouth Telecommunications,
Inc. with Allegiance Telecom of Florida, Inc.
(Critical Date: 7/23/00)

DOCKET NO. 000487-TP -BellSouth Telecommunications,
Inc. with Network Telephone Corporation
(Critical Date: 7/23/00)

DOCKET NO. 000496-TP -BellSouth Telecommunications,
Inc. with IDS Long Distance, Inc.
(Critical Date: 7/24/00)

M) DOCKET NO. 000493-TP - Request
by BellSouth Telecommunications,
Inc. for approval of
interconnection, unbundling,
resale, and collocation
agreement with NET-tel
Corporation.

(Critical Date: 7/24/00)

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<u>ITEM NO.</u>	<u>CASE</u>
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2	Consent Agenda
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N) Requests for approval of amendment to interconnection, unbundling, resale and collocation agreements.

DOCKET NO. 000443-TP -BellSouth Telecommunications, Inc. with MetroLink Internet Services of Port Saint Lucie, Inc.

(Critical Date: 7/13/00)

DOCKET NO. 000484-TP -BellSouth Telecommunications, Inc. with Business Telecom, Inc. d/b/a BTI

(Critical Date: 7/23/00)

DOCKET NO. 000494-TP -BellSouth Telecommunications, Inc. with Unicom Communications, LLC

(Critical Date: 7/24/00)

DOCKET NO. 000495-TP -BellSouth Telecommunications, Inc. with Adelpia Business Solutions of Jacksonville, Inc.

(Critical Date: 7/24/00)

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

DECISION: The recommendation was approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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<u>ITEM NO.</u>	<u>CASE</u>
3	<p>DOCKET NO. 990994-TP - Proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.</p> <p>Critical Date(s): June 15, 2000</p> <p>Rule Status: Adoption</p> <p>Commissioners Assigned: Full Commission Prehrg Officer DS</p> <p>Staff: LEG: Caldwell AFA: Hewitt, Causseaux, Romig, Wright CAF: Durbin CMU: Moses, Simmons, Kennedy</p> <p><u>Issue 1</u>: Should the Commission accept as timely filed Billing Concepts, Inc.'s Comments? <u>Recommendation</u>: No. Staff recommends that the Comments filed by Billing Concepts, Inc. should not be accepted as timely.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. If the Commission approves staff's recommendation on Issue 1, Rules 25-4.003, 25-4.110, 25-4.113, 25-24.490 (with the exception of incorporating subsections 25-4.110(2) and (19)) and 25-24.845 (with the exception of incorporating subsections 25-4.110(2) and (19)), F.A.C., proposed by the Commission may be filed with the Secretary of State for adoption. If the Commission denies staff on Issue 1 and modifies Rule 25-4.110(18), F.A.C., after a Notice of Change is published in the Florida Administrative Weekly, the rule may be filed with the Secretary of State for adoption. The docket should remain open pending the outcome of the hearing on Rules 25-24.490 and 25-24.845, F.A.C.</p> <p><u>DECISION</u>: The recommendations were approved.</p>

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3 DOCKET NO. 990994-TP - Proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

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Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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4 DOCKET NO. 991834-EI - Petition for approval of deferred accounting treatment for the Gulf Coast Ozone Study Program by Gulf Power Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Clemons
AFA: Merta
EAG: Breman

Issue 1: Should Gulf Power Company's request for clarification and/or modification of Order No. PSC-00-0476-PAA-EI or in the Alternative Petition for a Formal Proceeding be granted?

Recommendation: Yes. The Commission should grant Gulf Power Company's request for modification of Order No. PSC-00-0476-PAA-EI. Gulf should recover only those annual costs of the GCOS in excess of the amount included in the approved rate case test year budget reduced by the amount actually spent on environmental studies as an operating expense during the relevant ECRC recovery period. If the amount reflected in surveillance reports for expenditures on environmental studies during the relevant ECRC recovery period exceeds the amount included in the approved rate case test year budget, there should be no adjustment to the amount of expenses associated with GCOS for recovery through the ECRC.

Issue 2: Should this docket be closed?

Recommendation: Yes. 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 issuance of a consummating order.

DECISION: The recommendations were approved with a modification to staff analysis made at the Commission Conference.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

ITEM NO.

CASE

5 DOCKET NO. 000184-EQ - Petition by Florida Power Corporation, Miami-Dade County, and Montenay-Dade, Ltd. for approval of settlement agreement, for confirmation that negotiated contract continues to qualify fully for cost recovery, and to allow Florida Power Corporation cost recovery of historic settlement payment made to Dade County pursuant to settlement agreement.

Critical Date(s): None

Commissioners Assigned: Full Commssion
Prehrg Officer CL

Staff: EAG: Futrell, Ging
LEG: Elias

Issue 1: Should the Negotiated Contract, as modified by the Settlement Agreement between Florida Power Corporation, Miami Dade County and Montenay-Dade, Ltd., be approved for cost recovery?

Recommendation: Yes. The amended energy pricing provisions closely approximate avoided cost. Approval of the Settlement Agreement mitigates the risks associated with the uncertainty of civil litigation which could result in significantly higher cost to FPC's ratepayers.

Issue 2: If approved, how should the settlement payment and revised energy payments pursuant to the Settlement Agreement be recovered from FPC's ratepayers?

Recommendation: The energy settlement payment of \$2,262,868.10 and the ongoing energy payments made pursuant to the Settlement Agreement should be recovered through the Fuel and Purchased Power Cost Recovery (Fuel) Clause. The recovery of payments made prior to their inclusion for recovery through the adjustment clauses should include interest from the date the payments were made. Should the Settlement Agreement not be approved, any necessary adjustments to the Fuel Clause to reflect the method of pricing energy under the Contract prior to the Settlement Agreement should be made at the next Fuel Adjustment hearing.

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<u>ITEM NO.</u>	<u>CASE</u>
5	<p>DOCKET NO. 000184-EQ - Petition by Florida Power Corporation, Miami-Dade County, and Montenay-Dade, Ltd. for approval of settlement agreement, for confirmation that negotiated contract continues to qualify fully for cost recovery, and to allow Florida Power Corporation cost recovery of historic settlement payment made to Dade County pursuant to settlement agreement.</p> <p>(Continued from previous page)</p> <p><u>Issue 3</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If no person whose substantial interests are affected by the Commission's proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon issuance of a Consummating Order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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<u>ITEM NO.</u>	<u>CASE</u>
5A	<p>DOCKET NO. 000600-EI - Petition for approval of service agreement for emergency on-demand energy by Tampa Electric Company.</p> <p>Critical Date(s): 7/17/00 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: EAG: Haff, E. Draper LEG: Isaac</p> <p><u>Issue 1:</u> Should the Commission approve TECO's Petition for Approval of a Service Agreement for Emergency On-Demand Energy At Negotiated Rates? <u>Recommendation:</u> Yes.</p> <p><u>Issue 2:</u> Should this docket be closed? <u>Recommendation:</u> Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's proposed agency action files a protest within 21 days of the issuance of the order. <u>The tariff should be effective on the date of the vote with revenues held subject to refund in the event of a protest.</u></p> <p><u>DECISION:</u> The recommendations were approved with the noted modifications.</p> <p>Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber</p>

ITEM NO.

CASE

6

DOCKET NO. 000218-TX - Initiation of show cause proceedings against Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone for apparent violation of Section 364.183(1), F.S., Access to Company Records.

(Continued from previous page)

Telecommunications Services, Inc. d/b/a Second Chance Phone to notify its customers in writing to change their local telephone service to another provider?

Recommendation: Yes. The Commission should order Second Chance Phone to notify its customers in writing to change their local telephone service to another provider. All customers should be notified between 15 and 45 days from the date the Consummating Order is issued. The notification should inform the customers that Second Chance Phone will cease providing service 30 days from the end of the customer notification period, i.e. 75 days from the date of the issuance of the Consummating Order, and that they should obtain local telephone service from another provider. Second Chance Phone's notification letter should be submitted to Commission staff for review and approval ten days after the issuance of the Consummating Order.

Issue 4: Should this docket be closed?

Recommendation: No. If staff's recommendations in Issues 1 and 3 are approved, any person whose substantial interests are affected will have 21 days from the issuance of the PAA Order to file a protest. If no protest is filed within the protest period, the Order will become final upon the issuance of the Consummating Order and this docket should remain open pending the completion of customer notification and service discontinuance. Seventy-five days after the issuance of the Consummating Order, Certificate No. 5620 should be canceled and this docket should be closed administratively. If staff's recommendation in Issue 2 is approved, the case should be forwarded to the appropriate authority for action. Neither approval nor disapproval of Issue 2 should affect the outcome of the

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CASE

6 DOCKET NO. 000218-TX - Initiation of show cause proceedings against Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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Commission's decision on the remaining Issues in this docket.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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ITEM NO.

CASE

7 DOCKET NO. 000236-TX - Initiation of show cause proceedings against Pushbutton Paging & Communication, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Keating
CMU: M. Watts

Issue 1: Should the Commission accept the settlement offer proposed by Push Button Paging & Communications, Inc. to resolve the apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?
Recommendation: No. The Commission should not accept the company's settlement proposal.

Issue 2: Should this docket be closed?

Recommendation: No. If staff's recommendation in Issue 1 is approved, this docket should remain open pending resolution of the show cause proceeding. Push Button Paging must respond to the original show cause order within 21 days of the issuance of this Order denying the settlement. If Push Button Paging fails to respond to the Order to Show Cause and the fine is not received within ten business days after the expiration of the show cause response period, then Certificate No. 5727 should be canceled and this docket should be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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ITEM NO.

CASE

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DOCKET NO. 000217-TX - Initiation of show cause proceedings against ATI Telecom, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Vaccaro
CMU: M. Watts

Issue 1: Should the Commission accept the settlement offer proposed by ATI Telecom, Inc. to resolve the apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

Recommendation: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the issuance date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

Issue 2: Should this docket be closed?

Recommendation: No. With the approval of Issue 1, this docket should remain open pending remittance of the \$3,500 voluntary contribution. Upon remittance of the settlement payment, this docket should be closed. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively and this docket closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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ITEM NO.

CASE

10 DOCKET NO. 000482-TC - Initiation of show cause proceedings against Maria E. Delgado d/b/a Global Communication for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Knight
CMU: M. Watts

Issue 1: Should the Commission order Maria E. Delgado d/b/a Global Communication to show cause why it should not be fined \$10,000 or have Certificate No. 3874 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should order Global to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact and law. If Global fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period and the fine is not paid within ten business days after the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived and Certificate No. 3874 should be canceled. If the fine is paid, it should be remitted to the Commission and forwarded to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

Issue 2: Should this docket be closed?

Recommendation: If staff's recommendation is approved, then Global will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its

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10	DOCKET NO. 000482-TC - Initiation of show cause proceedings against Maria E. Delgado d/b/a Global Communication for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.
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certificate canceled. If Global timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Global does not respond to the show cause order, and the fine is not received within 10 business days after the expiration of the show cause response period, then Global's certificate should be canceled for the violation cited in Issue 1. This docket may then be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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ITEM NO.

CASE

11 DOCKET NO. 000035-TI - Initiation of show cause proceedings against American Network Exchange, Inc. d/b/a AMNEX for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Fordham
CMU: Biegalski

Issue 1: Should the Commission rescind its vote from the February 1, 2000, Agenda Conference and grant American Network Exchange, Inc. d/b/a AMNEX's request for cancellation of its IXC Certificate No. 1527?
Recommendation: Yes. The company had filed for bankruptcy protection prior to the Commission's vote. Therefore, the Commission should rescind its vote from the February 1, 2000, Agenda Conference, in which AMNEX's certificate was involuntarily canceled, and grant the company's request for cancellation of its IXC certificate with an effective date of June 30, 1999.

Issue 2: Should this docket be closed?
Recommendation: Yes. This docket should be closed upon issuance of the final Order and cancellation of the company's certificate.

DECISION: This item was deferred to the July 11, 2000 Commission Conference.

ITEM NO.

CASE

13 DOCKET NO. 000530-TI - Investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context by Intellicall Operator Services, Inc. d/b/a ILD.

(Continued from previous page)

Issue 2: Should Intellicall Operator Services, Inc. d/b/a ILD be required to show cause why it should not pay a fine for overbilling of calls in excess of the rate cap established in Rule 25-24.630, Florida Administrative Code, Rate and Billing Requirements?

Recommendation: No.

Issue 3: Should this docket be closed?

Recommendation: No. If no person, whose interests are substantially affected by the proposed action files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's Order will become final upon issuance of a consummating order. This docket should, however, remain open pending completion of the refund and receipt of the final report on the refund. After completion of the refund and receipt of the final refund report, this docket may be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

