

MINUTES OF June 20, 2006

COMMISSION CONFERENCE

COMMENCED: 9:40 a.m.

RECESSED: 12:55 p.m.

RECONVENED 2:35 p.m.

ADJOURNED: 5:10 p.m.

COMMISSIONERS PARTICIPATING: Chairman Edgar
Commissioner Deason
Commissioner Arriaga
Commissioner Carter
Commissioner Tew

Parties were allowed to address the Commission on items designated by double asterisks (**).

1

Approval of Minutes

May 15, 2006 Special Commission Conference

May 16, 2006 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

2**

Consent Agenda

PAA

A) Application for certificate to provide alternative access vendor service.

DOCKET NO. COMPANY NAME

060354-TA Latin American Nautilus Service, Inc

PAA

B) Application for certificate to provide competitive local exchange telecommunications service.

DOCKET NO. COMPANY NAME

060356-TX BTEL, Inc.

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

DECISION: The recommendation was approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

3**

Docket No. 060172-EU – Proposed rules governing placement of new electric distribution facilities underground, and conversion of existing overhead distribution facilities to underground facilities, to address effects of extreme weather events.

Docket No. 060173-EU – Proposed amendments to rules regarding overhead electric facilities to allow more stringent construction standards than required by National Electric Safety Code.

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Arriaga

Staff: GCL: Harris, Gervasi, Helton, Moore

ECR: Breman, Daniel, Hewitt, Kummer, Trapp

RCA: Woodall

Issue 1: Should the Commission propose changes to Rule 25-6.034, Florida Administrative Code, Standards of Construction, requiring investor-owned electric utilities to establish standards of construction for all overhead and underground electrical transmission and distribution facilities to ensure the provision of adequate and reliable electric service for operational as well as emergency purposes?

Recommendation: Yes.

Issue 2: Should the Commission propose Rule 25-6.0341, Florida Administrative Code, Location of the Utility's Electric Distribution Facilities, to facilitate and encourage the placement of electric distribution facilities in readily accessible locations such as adjacent to public roads and along front edges of properties?

Recommendation: Yes. The Commission should propose Rule 25-6.0341, F.A.C., but schedule a staff workshop to allow the third-party attachers to present evidence of any cost impact on their companies. The Commission should also schedule a hearing to follow the staff workshop in Docket No. 060173-EU.

Issue 3: Should the Commission propose Rule 25-6.0342, Florida Administrative Code, Third-Party Attachment Standards and Procedures, requiring investor-owned electric utilities to establish and maintain written safety, reliability, pole load capacity, and engineering standard and procedures for attachments by others to the utility's electric transmission and distribution poles?

Recommendation: Yes. The Commission should propose Rule 25-6.0342, F.A.C., but schedule a staff workshop to allow the third-party attachers to present evidence of any cost impact on their companies. The Commission should also schedule a hearing to follow the staff workshop in Docket No. 060173-EU.

ITEM NO.

CASE

3**

Docket No. 060172-EU – Proposed rules governing placement of new electric distribution facilities underground, and conversion of existing overhead distribution facilities to underground facilities, to address effects of extreme weather events.

Docket No. 060173-EU – Proposed amendments to rules regarding overhead electric facilities to allow more stringent construction standards than required by National Electric Safety Code.

(Continued from previous page)

Issue 4: Should the Commission propose Rule 25-6.0343, Florida Administrative Code, Standards of Construction – Municipal Electric Utilities and Rural Electric Cooperatives, requiring municipal and cooperative electric utilities to establish standards of construction for all overhead and underground electrical transmission and distribution facilities to ensure the provision of adequate and reliable electric service for operational as well as emergency purposes?

Recommendation: Yes.

Issue 5: Should the Commission propose changes to Rule 25-6.0345, Florida Administrative Code, adopting the 2002 edition of the National Electrical Safety Code as the minimum applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction?

Recommendation: Yes.

Issue 6: Should the Commission propose changes to Rule 25-6.064, Florida Administrative Code, Extension of Facilities, establishing a uniform procedure by which investor-owned electric utilities calculate amounts due as contributions-in-aid-of-construction from customers who require new facilities in order to receive electric service or for upgrades to existing facilities resulting from changes in the customer's demand on the system?

Recommendation: Yes.

Issue 7: Should the Commission propose changes to Rule 25-6.078, Florida Administrative Code, Schedule of Charges, to clarify existing provisions that require investor-owned electric utilities to establish a written policy on the installation of underground electrical distribution facilities in new residential subdivisions; to incorporate the construction standards in Rule 25-6.034; and to require that storm restoration costs be included in the differential cost calculation?

Recommendation: Yes.

Issue 8: Should the Commission propose changes to Rule 25-6.115, Florida Administrative Code, to clarify existing provisions that require each investor-owned electric utility to file a tariff showing the terms under which the utility and applicant may enter into a contract for the purpose of converting existing overhead facilities to underground facilities; to incorporate the construction standards in Rule 25-6.034, and to require that storm restoration costs be included?

Recommendation: Yes.

ITEM NO.

CASE

3**

Docket No. 060172-EU – Proposed rules governing placement of new electric distribution facilities underground, and conversion of existing overhead distribution facilities to underground facilities, to address effects of extreme weather events.

Docket No. 060173-EU – Proposed amendments to rules regarding overhead electric facilities to allow more stringent construction standards than required by National Electric Safety Code.

(Continued from previous page)

Issue 9: Should the Commission propose a new rule on information sharing, as suggested by the Town of Jupiter and the Town of Palm Beach?

Recommendation: No. While the Towns raise some valid concerns about the need for utilities to share information to facilitate planning by local communities, the proposed rule language goes far beyond planning for construction and into system planning for capacity needs. The topic can be addressed in discussions on improvements in local liaison efforts directed by Order No. PSC-06-0351-PAA-EI.

Issue 10: Should Docket 060172-EU be closed?

Recommendation: Yes. If the Commission approves staff recommendation in Issues 6, 7, and 8, and if no requests for hearing or comments are filed, the amendments to Rules 25-6.064, 25-6.078, and 25-6.115, as proposed should be filed for adoption with the Secretary of State and the docket should be closed.

Issue 11: Should Docket 060173-EU be closed?

Recommendation: No. If the Commission approves staff's recommended amendments to Rules 25-6.034, 25-6.0345, and 25-6.064, in Issues 1, 5, and 6, respectively, F.A.C., and no comments or requests for hearing are filed, those rules should be filed with the Secretary of State for adoption. However, the docket should remain open and a hearing should be held on Rules 25-6.0341, 25-6.0342, and 25-6.0343, F.A.C.

DECISION: Issues 5, 10 and 11 were approved. Issue 1 was approved as clarified at the conference with the inclusion of new paragraph 7, as outlined in staff's June 15, 2006 memorandum. Issue 2 was approved as clarified at the conference with the inclusion of new paragraph 4, as outlined in the June 15, 2006 memorandum. Issue 3 was approved as clarified at the conference with the inclusion of paragraph 3, as outlined in the June 15, 2006 memorandum. Issue 4 was approved based on clarifications and discussions at the conference. Issue 6 was approved with clarifications and modifications as stated at the conference. Issue 7 was approved as modified at the conference. Issue 8 was approved with Commissioner Arriaga dissenting for reasons expressed at the conference. Issue 9 was approved in a two-part motion: a) staff's recommendation was approved; b) staff was directed to draft a proposal on information sharing.

For a verbatim record of discussion of this item, see the official transcript in the related docket(s).

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

4**PAA

Docket No. 000121A-TP – Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (BELLSOUTH TRACK)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: CMP: Harvey, Hallenstein

GCL: Teitzman, Scott

Issue 1: Should BellSouth be required to pay penalties for noncompliance with performance measures where the performance standard is parity with analogous retail services (retail analogs) during a claim of force majeure?

Recommendation: Yes. Staff believes that Section 4.5.2 of BellSouth's SEEM Administrative Plan should be revised to hold BellSouth accountable for paying penalties during a force majeure event for noncompliance with retail analog performance measures. Staff's recommended revisions to BellSouth's force majeure provision is found in Attachment A to its June 8, 2006 memorandum.

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1, the resulting Order will be issued as Proposed Agency Action. The Order will become final upon issuance of a Consummating Order if no person whose substantial interests are affected timely files a protest within 21 days of the issuance of the Order. This Docket should remain open thereafter to continue the review process as adopted in the BellSouth's Performance Assessment Plan.

DECISION: Issue 1 was denied. Issue 2 was approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

5**PAA

Docket No. 060308-TP – Joint application for approval of indirect transfer of control of telecommunications facilities resulting from agreement and plan of merger between AT&T Inc. (parent company of AT&T Communications of the Southern States, LLC, CLEC Cert. No. 4037, IXC Registration No. TJ615, and PATS Cert. No. 8019; TCG South Florida, IXC Registration No. TI327 and CLEC Cert. No. 3519; SBC Long Distance, LLC, CLEC Cert. No. 8452, and IXC Registration No. TI684; and SNET America, Inc., IXC Registration No. TI389) and BellSouth Corporation (parent company of BellSouth Telecommunications, Inc., ILEC Cert. No. 8 and CLEC Cert. No. 4455); and BellSouth Long Distance, Inc. (CLEC Cert. No. 5261 and IXC Registration No. TI554).

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: CMP: Buys, Kennedy

GCL: Wiggins, Fudge

Issue 1: Should the Commission approve the joint application for approval of indirect transfer of control of the facilities and operations of BellSouth Telecommunications, Inc. and BellSouth Long Distance, Inc. from BellSouth Corporation to AT&T Inc.?

Recommendation: Yes. The Commission should approve the transfer of control of BellSouth Telecommunications, Inc. and BellSouth Long Distance, Inc. from BellSouth Corporation to AT&T Inc.

Issue 2: Should the Commission file comments with the Federal Communications Commission in WC Docket No. 06-74, In Re: AT&T Inc. and BellSouth Corporation Applications for Approval of Transfer of Control?

Recommendation: Yes. Staff recommends that the Commission file comments, as provided in Attachment A of staff's June 12, 2006 memorandum, to the Federal Communications Commission in WC Docket No. 06-74.

ITEM NO.

CASE

5**PAA

Docket No. 060308-TP – Joint application for approval of indirect transfer of control of telecommunications facilities resulting from agreement and plan of merger between AT&T Inc. (parent company of AT&T Communications of the Southern States, LLC, CLEC Cert. No. 4037, IXC Registration No. TJ615, and PATS Cert. No. 8019; TCG South Florida, IXC Registration No. TI327 and CLEC Cert. No. 3519; SBC Long Distance, LLC, CLEC Cert. No. 8452, and IXC Registration No. TI684; and SNET America, Inc., IXC Registration No. TI389) and BellSouth Corporation (parent company of BellSouth Telecommunications, Inc., ILEC Cert. No. 8 and CLEC Cert. No. 4455); and BellSouth Long Distance, Inc. (CLEC Cert. No. 5261 and IXC Registration No. TI554).

(Continued from previous page)

Issue 3: Should this docket be closed?

Recommendation: The Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested this docket should be closed upon issuance of the Consummating Order.

DECISION: Issues 1 and 3 were approved. Issue 2 was approved with the oral modification by staff that this issue is not PAA and that the language in the recommendation should not be contained in the subsequent order, with addition of language to the first paragraph of the comments to be filed with the FCC, and with the deletion of language in the last paragraph of the comments.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

6**

Docket No. 050954-TX – Compliance investigation of Movie, Television & Graphics Corp. d/b/a M.T.G. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Watts, Ollila

GCL: Tan, Teitzman

Issue 1: Should the Commission accept Movie, Television & Graphics Corp. d/b/a M.T.G.'s request to pay the \$10,000 penalty imposed by Proposed Agency Action Order PSC-06-0229-PAA-TX in 23 equal monthly payments of \$416.67, with a final payment of \$416.59, until the \$10,000 is paid in full?

Recommendation: Yes. The Commission should accept the company's proposed payment plan for the penalty imposed by PAA Order PSC-06-0229-PAA-TX.

Issue 2: Should this docket be closed?

Recommendation: This docket should remain open pending the receipt by the Commission of the 23 monthly payments of \$416.67 with a final payment of \$416.59, for a total of \$10,000, from MTG. The first payment shall be due within 14 calendar days after the issuance of the Order in this docket, and each subsequent payment shall be due on the 15th day of each month thereafter until the penalty is paid in full. If the 15th of a given month is on a weekend or holiday, the payment shall be due on the next business day. If the company fails to timely submit one of its payments, Certificate Number 4692 should be canceled and this docket should be closed administratively. If MTG timely submits all payments and pays the \$10,000 penalty in full, this docket should be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

7**

Docket No. 050956-TX – Compliance investigation of CariLink International Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Tew

Staff: CMP: Watts, Ollila

GCL: Tan, Wiggins

Issue 1: Should the Commission accept CariLink International Inc.'s settlement offer to voluntarily contribute \$3,500 to the Commission for deposit in the General Revenue Fund to resolve its apparent violation of Section 364.183(1), Florida Statutes?

Recommendation: Yes. The Commission should accept the company's settlement proposal, which includes a \$3,500 voluntary contribution to the General Revenue Fund.

Issue 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

8**PAA

Docket No. 060269-GU – Petition by Florida Division of Chesapeake Utilities Corporation for approval of two delivery point operator agreements (special contracts) with Peninsula Energy Services Company, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Broussard, Bulecza-Banks

GCL: Fleming

Issue 1: Should the special contracts for provision of Delivery Point Operator (DPO) services by Chesapeake Utilities Corporation for Peninsula Energy Services Company, Inc. (PESCO) (an affiliate of Chesapeake Utilities), and PESCO customers Minute Maid Company and Cutrale Citrus Juices USA, Inc. be approved?

Recommendation: Yes. Staff recommends the two special contracts referenced in the company's petition be approved. Furthermore, staff recommends the effective date of the approval be as the date of the Commission's vote.

Issue 2: Should this docket be closed?

Recommendation: Yes. If a protest is filed within 21 days of the issuance of the order, the Special Contracts should remain in effect 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.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

9**

Docket No. 060154-EI – Petition for issuance of storm recovery financing order pursuant to Section 366.8260, F.S. (2005), by Gulf Power Company.

Critical Date(s): If the Commission does not approve the proposed stipulation, the parties have agreed to toll the time limitations established by Section 366.8260, Florida Statutes, by 60 days to June 22, 2006, for a decision in this matter, and July 22, 2006, for the issuance of a financing order.

Commissioners Assigned: All Commissioners

Prehearing Officer: Tew

Staff: ECR: Slemkewicz, Maurey, Draper, Kummer, Springer

GCL: Brubaker, Helton

Issue 1: Should the Commission approve the implementation of the proposed Stipulation and Settlement Agreement?

Recommendation: Although staff has concerns regarding the interest rate specified in the Stipulation as discussed in the body of the analysis portion of staff's June 8, 2006 memorandum, the Commission should approve the implementation of the proposed Stipulation and Settlement Agreement with Paragraph 4 modified to include the streamlined formal request procedure alternative, expiration limits and other clarifications as presented in Gulf's June 1, 2006, letter.

Issue 2: If the Commission approves the extension of the Ivan Deficit Cost Recovery Surcharge, should Gulf file a revision to tariff sheet No. 6.25?

Recommendation: Yes.

Issue 3: Should this docket be closed?

Recommendation: If the Commission does not approve the Stipulation as discussed in Issue 1, the docket should remain open, and new dates for the remaining discovery period, Prehearing Conference, Hearing, and post-hearing activities, which have been tolled for the Commission's consideration of the Stipulation, should be established by the Prehearing Officer. If the Stipulation is approved, the docket should be closed once staff has received and approved the revised tariff sheet discussed in Issue 2.

DECISION: Issue 1 was approved with the deletion of language in the stipulation as made at the conference. Issues 2 and 3 were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

10**

Docket No. 060342-EI – Petition for approval of revision to Sebring Rider, Rate Schedule SR-1, by Progress Energy Florida, Inc.

Critical Date(s): 12/08/06 (8-month effective date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Baxter

GCL: Brown

Issue 1: Should the Commission approve PEF's proposed reduction in the Sebring Rider from 1.524 cents per kWh to 1.293 cents per kWh?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, this tariff should become effective on the first billing cycle of August 2006. If a protest is filed within 21 days of the issuance of the order, the current tariff 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.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

11**PAA

Docket No. 050958-EI – Petition for approval of new environmental program for cost recovery through Environmental Cost Recovery Clause by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: ECR: VonFossen, Breman, Draper, Haff, Slemkewicz
GCL: Brown

Issue 1: Should the Commission approve TECO's petition for Big Bend Flue Gas Desulfurization System Reliability as a new activity for cost recovery through the ECRC?

Recommendation: Yes. This project is eligible for cost recovery through the ECRC.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of a consummating order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

12**PAA

Docket No. 060367-EQ – Petition for certification as a qualifying facility pursuant to Rule 25-17.080, F.A.C., by Florida Biomass Energy Group, L.L.C.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Sickel

GCL: Brown

Issue 1: Should the Commission grant the request of Florida Biomass for certification as a qualifying facility (QF)?

Recommendation: Yes. Florida Biomass qualifies as a small power producer, and should be afforded the opportunities that are provided to a QF under the Commission's Rules.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed 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.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

13**

Docket No. 060397-WU – Application for revised tariff sheets, new service availability policy, and new refundable advance agreement, by Placid Lakes Utilities, Inc.

Critical Date(s): 07/17/06 (60-day suspension date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Joyce, Rendell

GCL: Gervasi

Issue 1: Should Placid Lakes' proposed tariff changes be suspended?

Recommendation: Yes. Placid Lakes' proposed tariff changes should be suspended.

Issue 2: Should this docket be closed?

Recommendation: No. The docket should remain open pending the Commission's final action on the utility's requested tariff changes.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

14**

Docket No. 040889-WU – Application for grandfather certificate to operate water utility in Okeechobee County by Donald E. McBrayer and Marty Stevens d/b/a Blue Heron Golf & Country Club.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Tew

Staff: ECR: Brady, Redemann, Romig

GCL: Fleming

Issue 1: Should Donald E. McBrayer and Marty Stevens d/b/a Blue Heron Golf & Country Club’s application for a grandfather water certificate be approved?

Recommendation: Yes. The application should be approved and the utility should be issued Certificate No. 629-W, effective May 13, 2004, to serve the territory described in Attachment A of staff’s June 8, 2006 memorandum. Within 30 days from the date of the final order in this docket, the utility should be required to file a statement that it has established books and records in compliance with the NARUC USOA, including the ability to provide separate general ledgers for utility and non-utility records.

Issue 2: What are the appropriate service rates and charges for Donald E. McBrayer and Marty Stevens d/b/a Blue Heron Golf & Country Club?

Recommendation: The utility’s existing monthly rates for water service and its meter installation charge are reasonable and should be continued. The utility should be required to charge these rates and charges until authorized to change them by this Commission in a subsequent proceeding. Pursuant to Rule 25-30.475(1), Florida Administrative Code, the effective date of the tariffs should be the stamped approval date. Within 30 days from the issuance of the final order in this docket, the utility should be required to install a water meter at the clubhouse and begin billing for usage at its existing rates. Within 15 days after the meter installation, the utility should be required to file verification of the installation. When service is reinstated to the pool, the utility should be required to install a water meter at the pool and bill for usage at its existing rates. The utility should be put on notice that, if the golf course requests potable water service from the utility, it must install a potable water meter at the golf course and begin billing for usage at its existing rates. In addition, if the golf course requests irrigation water from the utility, the utility must file for a new class of service for irrigation water pursuant to Section 367.091(5) and (6), Florida Statutes.

ITEM NO.

CASE

14**

Docket No. 040889-WU – Application for grandfather certificate to operate water utility in Okeechobee County by Donald E. McBrayer and Marty Stevens d/b/a Blue Heron Golf & Country Club.

(Continued from previous page)

PAA

Issue 3: What are the appropriate service availability policy and charges for Donald E. McBrayer and Marty Stevens d/b/a Blue Heron Golf & Country Club?

Recommendation: The service availability policy and plant capacity charge discussed in staff's analysis in the June 8, 2006 memorandum should be approved. The utility should be required to charge its approved plant capacity charge until authorized to change it by the Commission in a subsequent proceeding. Within 10 days from the issuance of the final order in this docket, the utility should be required to provide notice to all customers of its approved plant capacity charge. Within 10 days after the notice is given, the utility should be required to file a copy of the notice along with a statement attesting to the date the notice was given. Within 30 days from the issuance of the final order in this docket, the utility should be required to provide a revised tariff reflecting its approved service availability policy and plant capacity charge. Pursuant to Rule 25-30.475(1), Florida Administrative Code, the effective date of the tariffs should be the stamped approval date.

PAA

Issue 4: What are the appropriate miscellaneous service charges for Donald E. McBrayer and Marty Stevens d/b/a Blue Heron Golf & Country Club?

Recommendation: The utility's proposed miscellaneous service and late payment charges are reasonable and should be approved. These charges should be included in the customer notice described in Issue 3. The utility should be required to charge its approved miscellaneous service and late payment charges until authorized to change them by the Commission in a subsequent proceeding. Pursuant to Rule 25-30.475(1), Florida Administrative Code, the effective date of the tariff should be the stamped approval date.

Issue 5: Should this docket be closed?

Recommendation: No. If no timely protest is received to the proposed agency action issues, the Order will become final upon the issuance of a Consummating Order. However, the docket should remain open pending receipt of a statement from the utility that it has established books and records in compliance with the NARUC USOA; verification that notice has been given to customers of the utility's approved plant capacity and miscellaneous service charges; verification of the installation of a water meter at the clubhouse; and receipt a revised tariff reflecting the utility's approved service availability policy and plant capacity charge. Upon receipt and verification of these matters, the docket should be administratively closed.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

15**

Docket No. 060028-WS – Application for transfer of majority organizational control of C.F.A.T. H2O, Inc., holder of Certificates 552-W and 481-S in Marion County, from Ronald Chase to Floyd and Eugenia Segarra and Charles deMenzes.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: ECR: Clapp, Romig

GCL: Brown

Issue 1: Should the transfer of majority organizational control of CFAT from Ronald Chase to Floyd and Eugenia Segarra and Charles deMenzes be approved?

Recommendation: Yes. The transfer of majority organizational control of CFAT, holder of Certificate Nos. 552-W and 481-S, to Floyd and Eugenia Segarra and Charles deMenzes is in the public interest and should be approved effective the date of the Commission vote. The buyers should be responsible for all regulatory assessment fees and annual reports for 2006 and the future. The tariff pages reflecting the transfer should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets. A description of the territory being transferred is appended to staff's June 8, 2006 recommendation as Attachment A.

Issue 2: Should this docket be closed?

Recommendation: Yes. Because no further action is necessary, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Deason, Arriaga, Carter, Tew

ITEM NO.

CASE

16

Docket No. 041269-TP – Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

Critical Date(s): None

Commissioners Assigned: Edgar, Deason, Arriaga

Prehearing Officer: Edgar

Staff: CMP: Harvey, Lee

GCL: Fudge

(Motion for reconsideration - oral argument at the Commission's discretion.)

Issue 1: Should Supra's Request for Oral Argument be granted?

Recommendation: No. The Request for Oral Argument should be denied.

Issue 2: Should Supra's Motion for Reconsideration of Issue 7(a) be granted?

Recommendation: No. Supra has not demonstrated that the Commission overlooked a point of fact or law in rendering Order No. PSC-06-0172-FOF-TP. Furthermore, the Commission did not make a procedural error in assigning a panel of three Commissioners.

Issue 3: Should this docket be closed?

Recommendation: No. This docket shall remain open pending Commission approval of the final agreements and amendments in accordance with §252 of the Telecommunications Act of 1996.

DECISION: The item was deferred.

