

**MINUTES OF June 3, 2008**

**COMMISSION CONFERENCE**

**COMMENCED: 9:33 a.m.**

**RECESSED: 10:55 a.m.**

**RECONVENED: 11:05 a.m.**

**ADJOURNED: 11:31 a.m.**

**COMMISSIONERS PARTICIPATING:** Chairman Carter  
Commissioner Edgar  
Commissioner McMurrian  
Commissioner Argenziano  
Commissioner Skop

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

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1\*\* **Consent Agenda**

PAA A) Applications for certificate to provide competitive local exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
080225-TX	Advanced Telecom of South Florida, Inc.
080226-TX	Norlight Telecommunications, Inc.

PAA B) Request for cancellation of a competitive local exchange telecommunications certificate.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
080237-TX	Optivon, Inc.	4/28/2008

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

**DECISION:** The recommendation was approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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2\*\*

**Docket No. 070580-WU** – Initiation of Show Cause Proceedings against Kincaid Hills Water Company in Alachua County for violation of Rule 25-30.110, F.A.C., Records and Reports; Annual Reports; Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities; and of Order PSC-04-0615-FOF-WU.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** GCL: Jaeger

ADM: Belcher

ECR: Kaproth

**Issue 1:** Should this docket be closed?

**Recommendation:** Yes, this docket should be closed.

**DECISION:** The recommendation was approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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3\*\*PAA

**Docket No. 070733-EI** – Complaint No. 694187E by Cutrale Citrus Juices USA, Inc. against Tampa Electric Company for refusing to provide transformer ownership discount for electrical service provided through Minute Maid substation.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Argenziano

**Staff:** GCL: Bennett, Klancke

ECR: Colson, Kummer

**Issue 1:** Is Cutrale Citrus Juices USA, Inc. entitled to the Transformer Ownership Discount as described in Tampa Electric Company's Firm Standby and Supplemental Service, Fourth Revised Tariff Sheet No. 6.608?

**Recommendation:** No. Cutrale Citrus Juices USA, Inc. does not qualify for the discount to its rates as set out in Tampa Electric Company's Firm Standby and Supplemental Service, Fourth Revised Tariff 6.608 Transformer Ownership Discount. The transformers owned by Cutrale do not meet the requirements of the tariff. Cutrale's position on how to determine a transformer ownership discount does not conform to the stated regulatory policy established by the Commission and the legislature. The interpretation of the agreement which adopted the tariff has consistently been that the discount does not apply to Cutrale's Auburndale facility.

**Issue 2:** Should Tampa Electric Company be required to refund Cutrale Citrus Juices USA, Inc. for Transformer Ownership Discounts?

**Recommendation:** No. If the Commission agrees with staff's recommendation in Issue 1, the Commission should not order Tampa Electric Company to refund Cutrale Citrus Juices USA, Inc. for Transformer Ownership Discounts.

**Issue 3:** 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 the issuance of a Consummating Order.

**DECISION:** The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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4\*\*PAA

**Docket No. 080234-TP** – Implementation of Florida lifeline program involving bundled service packages and placement of additional enrollment requirements on customers.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Williams, Casey

GCL: Poblete, Teitzman

**Issue 1:** Pursuant to 47 C.F.R. § 54.403(b), are ETCs required to apply the Lifeline discount to the basic local service rate or the basic local service rate portion of any service offering which combines both basic and nonbasic service?

**Recommendation:** Yes. Pursuant to 47 C.F.R. § 54.403(b), ETCs are required to apply the Lifeline discount to the basic local service rate or the basic local service rate portion of any service offering which combines both basic and nonbasic service.

**Issue 2:** Should this docket be closed?

**Recommendation:** If the Commission approves staff's recommendation on Issue I, 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: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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5

**Docket No. 070368-TP** – Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P., by NPCR, Inc. d/b/a Nextel Partners.

**Docket No. 070369-TP** – Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P., by Nextel South Corp. and Nextel West Corp. (Deferred from the May 6, 2008 Commission Conference; new recommendation filed.)

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar (070368-TP); Administrative (070369-TP)

**Staff:** CMP: Bates

GCL: Tan, McKay

**Issue 1:** Should the Commission grant Nextel's Request for Oral Argument?

**Recommendation:** Yes. Staff recommends that the Commission grant Nextel's Request for Oral Argument, because staff believes that it would be beneficial for the parties to verbally address Nextel's Motion for Summary Final Order. Staff recommends allowing each party five minutes to present its argument, if oral argument is granted.

**DECISION:** The recommendation was approved.

**Issue 2:** Should the Commission grant AT&T's request to place Docket Nos. 070368-TP and 070369-TP in abeyance?

**Recommendation:** No. The Commission should deny AT&T's request for abeyance of Docket Nos. 070368-TP and 070369-TP.

**DECISION:** The recommendation was approved.

**ITEM NO.**

**CASE**

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5

**Docket No. 070368-TP** – Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P., by NPCR, Inc. d/b/a Nextel Partners.

**Docket No. 070369-TP** – Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P., by Nextel South Corp. and Nextel West Corp. (Deferred from the May 6, 2008 Commission Conference, new recommendation filed.)

(Continued from previous page)

**Issue 3:** Should the Commission grant Nextel's Motion for Summary Final Order?

**Recommendation:** Yes. Staff recommends granting Nextel's Motion for Summary Final Order and acknowledging Nextel's adoptions of the Sprint ICA and requiring that the Adoption Agreements be executed.

**DECISION:** The recommendation was denied and set for a Section 120.57(2), F.S., hearing, as soon as possible, on issues to be determined within the next several days; parties are to bring this back to the Commission as soon as possible.

**Issue 4:** Should these dockets be closed?

**Recommendation:** In the event Nextel's Motion for Summary Final Order is granted, staff recommends closing Docket Nos. 070368-TP and 070369-TP because no further action is needed by the Commission.

**DECISION:** The recommendation was denied.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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6\*\*PAA

**Docket No. 080123-TP** – Request for cancellation of CLEC Certificate No. 8345, and for acknowledgment of cancellation of IXC Registration No. TJ784 held by Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc., effective February 12, 2008.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Isler

GCL: McKay

**Issue 1:** Should the Commission deny Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc., a voluntary cancellation of its CLEC Certificate No. 8345 and IXC Registration No. TJ784 and cancel the tariff and remove the company's name from the register on the Commission's own motion with an effective date of February 12, 2008?

**Recommendation:** Yes, the company should be denied voluntary cancellations as listed on Attachment A of staff's memorandum dated May 21, 2008.

**ITEM NO.**

**CASE**

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6\*\*PAA

**Docket No. 080123-TP** – Request for cancellation of CLEC Certificate No. 8345, and for acknowledgment of cancellation of IXC Registration No. TJ784 held by Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc., effective February 12, 2008.

(Continued from previous page)

**Issue 2:** Should this docket be closed?

**Recommendation:** Staff recommends that 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. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company pays the Regulatory Assessment Fees, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's competitive local exchange telecommunications certificate and intrastate interexchange carrier tariff and the removal of its name from the register will be voluntary. If the company fails to pay the Regulatory Assessment Fees, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the company's competitive local exchange telecommunications certificate and intrastate interexchange carrier tariff and the removal of its name from the register should be cancelled administratively, and the collection of the past due Regulatory Assessment Fees should be referred to the Florida Department of Financial Services for further collection efforts. If the company's competitive local exchange telecommunications certificate and intrastate interexchange carrier tariff are cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing telecommunications service in Florida. This docket should be closed administratively either upon receipt of payment of the Regulatory Assessment Fees, including applicable late payment charges, or upon cancellation of the company's competitive local exchange telecommunications certificate and intrastate interexchange carrier tariff and removal of its name from the register.

**DECISION:** The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop



**ITEM NO.**

**CASE**

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7\*\*PAA

**Docket No. 080124-TC** – Request for cancellation of PATS Certificate No. 8591 by Christopher Vellanti, effective February 25, 2008.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Isler

GCL: McKay

**Issue 1:** Should the Commission deny Christopher Vellanti, a voluntary cancellation of his pay telephone service (PATS) Certificate No. 8591 and cancel the certificate on the Commission's own motion with an effective date of February 25, 2008?

**Recommendation:** Yes, the company should be denied a voluntary cancellation as listed on Attachment A of staff's memorandum dated May 21, 2008.

**Issue 2:** Should this docket be closed?

**Recommendation:** Staff recommends that 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. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company pays the Regulatory Assessment Fee, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's PATS certificate will be voluntary. If the company fails to pay the Regulatory Assessment Fee, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the company's PATS certificate should be cancelled administratively, and the collection of the past due Regulatory Assessment Fee should be referred to the Florida Department of Financial Services for further collection efforts. If the company's PATS certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fee, including applicable late payment charges, or upon cancellation of the company's PATS certificate.

**DECISION:** The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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8\*\*PAA

**Docket No. 080143-TI** – Acknowledgment of cancellation of IXC Registration No. TJ989 by Cinergy Telecommunications, Inc., effective March 10, 2008.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Isler

GCL: McKay

**Issue 1:** Should the Commission deny Cinergy Telecommunications, Inc., a voluntary cancellation of its intrastate interexchange telecommunications carrier (IXC) tariff and Registration No. TJ989 and cancel the tariff and remove the company's name from the register on the Commission's own motion with an effective date of March 10, 2008?

**Recommendation:** Yes, the company should be denied a voluntary cancellation as listed on Attachment A of staff's memorandum dated May 21, 2008.

**ITEM NO.**

**CASE**

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8\*\*PAA

**Docket No. 080143-TI** – Acknowledgment of cancellation of IXC Registration No. TJ989 by Cinergy Telecommunications, Inc., effective March 10, 2008.

(Continued from previous page)

**Issue 2:** Should this docket be closed?

**Recommendation:** Staff recommends that 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. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company pays the Regulatory Assessment Fee prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's tariff and the removal of its name from the register will be voluntary. If the company fails to pay the Regulatory Assessment Fee prior to the expiration of the Proposed Agency Action Order, then the company's IXC tariff should be cancelled administratively and its name removed from the register, and the collection of the past due Regulatory Assessment Fee, including any accrued statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. If the company's IXC tariff is cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fee, including any accrued statutory late payment charges, or upon cancellation of the company's IXC tariff and removal of its name from the register.

**DECISION:** The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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9\*\*PAA

**Docket No. 080211-TC** – Request for cancellation of PATS Certificate No. 2903 by Americomm Network, Inc., effective March 17, 2008.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Isler

GCL: McKay

**Issue 1:** Should the Commission deny Americomm Network, Inc., a voluntary cancellation of its pay telephone service (PATS) Certificate No. 2903 and cancel the certificate on the Commission's own motion with an effective date of March 17, 2008?

**Recommendation:** Yes, the company should be denied a voluntary cancellation as listed on Attachment A of staff's memorandum dated May 21, 2008.

**Issue 2:** Should this docket be closed?

**Recommendation:** Staff recommends that 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. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company pays the Regulatory Assessment Fee, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's PATS certificate will be voluntary. If the company fails to pay the Regulatory Assessment Fee, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the company's PATS certificate should be cancelled administratively, and the collection of the past due Regulatory Assessment Fee should be referred to the Florida Department of Financial Services for further collection efforts. If the company's PATS certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fee, including applicable late payment charges, or upon cancellation of the company's PATS certificate.

**DECISION:** The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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10\*\*PAA

**Docket No. 080212-TC** – Request for cancellation of PATS Certificate No. 7569 by TeleVend, Inc., effective March 3, 2008.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Isler

GCL: McKay

**Issue 1:** Should the Commission deny TeleVend, Inc., a voluntary cancellation of its pay telephone service (PATS) Certificate No. 7569 and cancel the certificate on the Commission's own motion with an effective date of March 3, 2008?

**Recommendation:** Yes, the company should be denied a voluntary cancellation as listed on Attachment A of staff's memorandum dated May 21, 2008.

**Issue 2:** Should this docket be closed?

**Recommendation:** Staff recommends that 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. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company pays the Regulatory Assessment Fees, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's PATS certificate will be voluntary. If the company fails to pay the Regulatory Assessment Fees, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the company's PATS certificate should be cancelled administratively, and the collection of the past due Regulatory Assessment Fees should be referred to the Florida Department of Financial Services for further collection efforts. If the company's PATS certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fees, including applicable late payment charges, or upon cancellation of the company's PATS certificate.

**DECISION:** The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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11\*\*

**Docket No. 080109-TI** – Compliance investigation of MP Alliance Technologies, Inc. for apparent violation of Rule 25-24.470, F.A.C. (Deferred from the April 4, 2008 Commission Conference; new recommendation filed.)

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Curry

GCL: McKay, Brooks

**Issue 1:** Should the Commission accept MP Alliance Technologies, Inc.'s proposed settlement offer to cease providing prepaid calling services in Florida and to submit a payment in the amount of \$5,000 to resolve the company's apparent violation of Rule 25-24.470, F.A.C.?

**Recommendation:** Yes, the Commission should accept MP Alliance Technologies, Inc.'s proposed settlement offer to cease providing prepaid calling services in Florida and to submit a payment in the amount of \$5,000 to resolve the company's apparent violation of Rule 25-24.470, F.A.C.

**Issue 2:** Should this docket be closed?

**Recommendation:** If the Commission approves staff's recommendation in Issue 1, this docket should remain open pending the receipt of the \$5,000 settlement payment. The payment should be received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The payment should be made payable to the Florida Public Service Commission and should identify the docket number and the company's name. Upon receipt of payment, the Commission shall forward it to the Division of Financial Services to be deposited into the General Revenue Fund. If MPAT fails to pay the payment within fourteen (14) calendar days after the issuance of the Consummating Order, this docket should remain open pending further proceedings. This docket should be closed administratively upon receipt of the settlement payment.

**DECISION:** The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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12\*\*PAA

**Docket No. 070586-TP** – Application for designation as an eligible telecommunications carrier (ETC) by TracFone Wireless, Inc. for limited purpose of offering lifeline service to qualified households.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Argenziano

**Staff:** CMP: Beard, Casey

GCL: Teitzman

**Issue 1:** Should TracFone be granted limited ETC status in Florida for the purpose of offering Lifeline discounts to qualifying consumers in Florida?

**Recommendation:** Yes, TracFone should be granted limited ETC status in Florida for the purpose of offering Lifeline discounts to qualifying consumers in Florida. Granting of ETC designation should be contingent on TracFone providing the following:

- Certification from every PSAP in Florida, confirming that TracFone provides its customers with access to basic and E911 service;
- E911 compliant handsets should be provided to TracFone's new customers and TracFone should replace any non-compliant handsets for its existing customers at no charge;
- Self-certification of TracFone customers under penalty of perjury once service has been activated and also annual certification that the customer is the head of household and is only receiving Lifeline discounts from TracFone;
- Tracking of Lifeline customer's primary residential address and certification that there is only one customer receiving Lifeline at each residential address; and
- TracFone should deal directly with its customers who do not utilize the Lifeline Automatic Enrollment function, to certify and verify Lifeline eligibility.

**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.

**DECISION:** The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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13\*\*PAA

**Docket No. 080131-TL** – Joint petition of Embarq Florida, Incorporated and AT&T Florida to transfer portions of AT&T Florida's certificated area to Embarq, and to amend certificates.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Pruitt

GCL: Mann

**Issue 1:** Should the Petition filed by Embarq and AT&T for approval of a territorial agreement to modify the Winter Park Exchange and the Oviedo Exchange boundaries and to amend the companies' local exchange certificates be approved?

**Recommendation:** Yes. The petition filed by Embarq and AT&T should be approved because it meets the requirements of Rule 25-4.005, F. A. C., Transfer of Certificate of Public Convenience and Necessity as to All or Portion of Service Area. Embarq and AT&T should file tariffs reflecting the exchange boundaries changes within 60 days of the issuance of the consummating order.

**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, a consummating order should be issued. The docket should be closed administratively upon filing with the Division of Competitive Markets and Enforcement, within 60 days of the issuance of the consummating order, tariffs reflecting the exchange boundaries changes.

**DECISION:** The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop



**ITEM NO.**

**CASE**

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14\*\*

**Docket No. 080223-EI** – Petition for extension of governmental adjustment factor tariff and approval of sixth revised tariff sheet No. 9.725 by Florida Power & Light Company.

**Critical Date(s):** 06/15/08 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Draper

GCL: Saylor, Jaeger

**Issue 1:** Should the Commission approve FPL's petition for extension of GAF tariff?

**Recommendation:** Yes, the eligibility period for the GAF tariff should be extended for an additional year until October 30, 2009. The Commission should also accept the report attached to the petition in this docket as satisfying the report requirement of the GAF approval order. FPL should, at least 60 days prior to the expiration of the GAF tariff in October 2009, file a report with the Commission providing an updated quantification of storm restoration benefits based on any new storm-restoration data. Based on the analysis, FPL should also petition the Commission at that time to continue, modify, or discontinue the tariff.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If Issue 1 is approved, this tariff should become effective on October 31, 2008. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect, 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: Carter, Edgar, McMurrian, Argenziano, Skop