

MINUTES OF June 16, 2009

COMMISSION CONFERENCE

COMMENCED: 9:30 am

RECESSED: 10:47 am

RECONVENED: 11:02 am

ADJOURNED: 11:57 am

COMMISSIONERS PARTICIPATING: Chairman Carter
Commissioner Edgar
Commissioner McMurrian
Commissioner Argenziano (via telephone)
Commissioner Skop

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

1

Approval of Minutes

May 5, 2009 Regular Commission Conference

May 19, 2009 Regular Commission Conference

DECISION: The minutes were approved.

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

ITEM NO.

CASE

2**PAA

Docket No. 070348-TX – Amended petition for designation as eligible telecommunications carrier (ETC) by Swiftel, LLC.

Critical Date(s):	None
Commissioners Assigned:	All Commissioners
Prehearing Officer:	Skop
Staff:	RCP: Polk, Casey GCL: Murphy SSC: Moses

Issue 1: Should Swiftel be granted eligible telecommunications carrier status in the State of Florida?

Recommendation: No. Staff recommends that Swiftel not be granted eligible telecommunications carrier status in the State of Florida.

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: This item was deferred to the June 30, 2009, Commission Conference.

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

ITEM NO.

CASE

3**PAA

Docket No. 090082-TL – Petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast for waiver of Rule 25-4.040(2), Florida Administrative Code.

Critical Date(s):	Statutory Deadline: 08/17/09
Commissioners Assigned:	All Commissioners
Prehearing Officer:	Administrative
Staff:	RCP: Pruitt GCL: Morrow

Issue 1: Should the Commission approve the request for the permanent waiver of the residential directory requirement of Rule 25-4.040(2), F.A.C., by AT&T Florida?

Recommendation: No, the Commission should not approve AT&T Florida’s request for waiver of the residential directory requirement of Rule 25-4.040(2), F.A.C.

DECISION: The recommendation was modified. A temporary waiver was granted for two years and, in conjunction with this waiver, for the utilities and the Commission to engage in public outreach and to conduct public service announcements seeking consumer comment and input, as discussed at the Commission Conference; for the utility, they would go about that in their own way; and for the “To obtain a free copy of the residential white pages, please call 1-800-422-1955” text displayed on the AT&T cover page to be a minimum of a 14 point type font.

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 and notice of disposition in the FAW.

DECISION: The recommendation was modified. The docket is to remain open pending feed back from the public and the conclusion of the temporary waiver period, at which time the issue will be revisited.

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

ITEM NO.

CASE

4**

Docket No. 090228-EG – Petition for approval of a pilot small general service price responsive load management program, by Tampa Electric Company.

Critical Date(s):	06/21/09 (60-Day Suspension Date)
Commissioners Assigned:	All Commissioners
Prehearing Officer:	Administrative
Staff:	SGA: Ellis GCL: Fleming

Issue 1: Should the Commission suspend the proposed pilot Small General Service Price Responsive Load Management Program filed by Tampa Electric Company?

Recommendation: Yes, the tariff should be suspended.

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission approves Issue 1, this docket should remain open to allow staff adequate time to review the filings and bring a recommendation back to the Commission on the merits of the filings.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

5**

Docket No. 080710-WS – Application for amendment of Certificates 260-S and 315-W to extend water and wastewater service areas to include territory in Pasco County, by Orangewood Lakes Services, Inc.

Critical Date(s):	None
Commissioners Assigned:	All Commissioners
Prehearing Officer:	Edgar
Staff:	ECR: Walden GCL: Williams

Issue 1: Should the Commission approve the application to amend Certificate Nos. 315-W and 260-S in Pasco County filed by Orangewood Lakes Services, Inc.?

Recommendation: Yes, the Commission should approve Orangewood’s amendment application to include the Orangewood Lakes Mobile Home Park in the Utility’s authorized service territory. The proposed territory is described in Attachment A of staff’s memorandum dated June 4, 2009. The resultant order should serve as Orangewood’s amended certificate, and it should be retained by the Utility. The Utility should charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized to change by the Commission.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff’s recommendation in Issue 1, no further action will be necessary, and this docket should be closed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

6**PAA

Docket No. 090145-EI – Petition for expedited approval of the deferral of pension expenses, authorization to charge storm hardening expenses to the storm damage reserve, and variance from or waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C., by Progress Energy Florida, Inc.

Critical Date(s):	06/29/09 (90-Day Suspension Date)
Commissioners Assigned:	All Commissioners
Prehearing Officer:	McMurrian
Staff:	ECR: Slemkewicz, Maurey GCL: Fleming, Klancke

Issue 1: Should the Commission grant Progress Energy Florida, Inc.’s request for a waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C.?

Recommendation: No. The Commission should not grant a waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C.

DECISION: The recommendation was approved.

Issue 2: If the rule waiver is granted in Issue 1, should the Commission authorize Progress Energy Florida, Inc. to charge any of its 2009 storm hardening expenses against the Storm Damage Reserve?

Recommendation: No. PEF should not be authorized to charge any of its 2009 storm hardening expenses against the Storm Damage Reserve. If the Commission approves staff’s recommendation in Issue 1, this issue is moot.

DECISION: Issue 2 is moot.

Issue 3: Should PEF’s request to create a regulatory asset to defer pension expense be approved?

Recommendation: Yes. Staff recommends that only the retail portion of PEF’s actual 2009 pension expense, currently estimated to be \$31.5 million, should be deferred as a regulatory asset (2009 Pension Regulatory Asset). On an annual basis, PEF should use any pension expense levels below the allowance provided for in rates in the 2010 base rate proceeding in Docket No. 090079-EI to write-down the 2009 Pension Regulatory Asset. In the event such write-downs are insufficient to fully amortize the 2009 Pension Regulatory Asset, PEF should not be allowed recovery of this item through a base rate case prior to 2015. PEF has agreed it will not earn a carrying charge on this regulatory asset.

DECISION: The recommendation was approved. Commissioner Argenziano dissented.

ITEM NO.

CASE

6**PAA

Docket No. 090145-EI – Petition for expedited approval of the deferral of pension expenses, authorization to charge storm hardening expenses to the storm damage reserve, and variance from or waiver of Rule 25-6.0143(1)(c), (d), and (f), F.A.C., by Progress Energy Florida, Inc.

(Continued from previous page)

Issue 4: 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 recommendation was approved.

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

