

**MINUTES OF March 8, 2011**  
**COMMISSION CONFERENCE**  
**COMMENCED: 9:32 am**  
**ADJOURNED: 9:46 am**

**COMMISSIONERS PARTICIPATING:** Chairman Graham  
Commissioner Edgar  
Commissioner Brisé  
Commissioner Balbis  
Commissioner Brown

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

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1                    **Approval of Minutes**  
February 8, 2011 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

**ITEM NO.**

**CASE**

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2\*\*

**Consent Agenda**

PAA

A) Applications for Certificates to Provide Competitive Local Exchange Telecommunications Service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
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110040-TX	Telco Experts, LLC
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110046-TX	Gracias VRS, LLC
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**Recommendation:** The Commission should approve the action requested in the dockets referenced above and close these dockets.

**DECISION:** The recommendation was approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

**ITEM NO.**

**CASE**

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3\*\*PAA

**Docket No. 100027-TL** – Investigation and determination of appropriate method for refunding apparent rebates not provided by Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone as required by rule and/or tariff.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** RAD: Lowery

ECR: Davis

GCL: Harris

SSC: Vickery

**Issue 1:** Should the Commission approve Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone's proposal to issue time-out-of-service and failure to meet new service installation commitment credits of \$27,017.41, plus interest in the amount of \$817.19, for a total of \$27,834.60 to the affected customers during the April 2011 billing cycle; require the company to remit any unrefundable monies to the Commission by August 1, 2011, for deposit in the General Revenue Fund; and require the company to submit a refund report by August 1, 2011, to the Commission stating: (1) how much was refunded to its customers, (2) the total number of customers receiving refunds, and (3) the amount of money determined to be unrefundable.

**Recommendation:** Yes. The Commission should approve Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone's refund proposal. As required by Rule 25-4.114, F.A.C., for those customers still on the system, a credit shall be made on the bill. For customers entitled to a refund but no longer on the system, the company shall mail a refund check to the last known billing address except that no refund for less than \$1.00 will be made to these customers. At the end of the refund period, any amount not refunded, including interest, should be remitted to the Commission for deposit in the General Revenue Fund.

**Issue 2:** Should Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone be required to show cause why it should not pay a penalty for its apparent violation of Rule 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies and Rule 25-4.034, F.A.C., Tariffs?

**Recommendation:** No. Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone should not be required to show cause why it should not pay a fine for apparent violation of Rule 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies.

**ITEM NO.**

**CASE**

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3\*\*PAA

**Docket No. 100027-TL** – Investigation and determination of appropriate method for refunding apparent rebates not provided by Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone as required by rule and/or tariff.

(Continued from previous page)

**Issue 3:** Should this docket be closed?

**Recommendation:** The Order issued from this recommendation will be proposed agency action. Thus, the Order will become final and effective upon issuance of the Consummating Order if no person whose substantial interests are affected timely files a protest within 21 days of issuance of this Order. The company should submit its final report, identified by docket number, by August 1, 2011. Upon receipt of the final report, including the disposition of unclaimed funds, this docket should be closed administratively if no timely protest has been filed.

**DECISION:** The recommendations were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

**ITEM NO.**

**CASE**

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4\*\*

**Docket No. 110030-EI** – Petition for approval of revisions to Tariff Sheet Nos. 6.280 through 6.284 and approve original Tariff Sheet No. 6.2811 in Rate Schedule LS-1, Lighting Service by Progress Energy Florida, Inc.

**Critical Date(s):** 03/15/11 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Roberts

GCL: Klancke

**Issue 1:** Should the Commission approve PEF's proposed changes to its Retail Tariff Rate Schedule LS-1 Lighting Service?

**Recommendation:** Yes.

**Issue 2:** What is the appropriate effective date for the revised tariffs?

**Recommendation:** The appropriate effective date for the revised tariffs is March 8, 2011.

**Issue 3:** Should this docket be closed?

**Recommendation:** Yes. If Issue 1 is approved, the docket should be closed if no person whose interests are substantially affected by the Commission's decision files a protest within the 21-day protest period. If no timely protest is filed, this docket should be closed upon issuance of the consummating order.

**DECISION:** The recommendations were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

**ITEM NO.**

**CASE**

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5\*\*

**Docket No. 110031-EG** – Petition for approval of residential service dynamic price response pilot rate by Florida Power & Light Company.

**Critical Date(s):** 03/15/11 (60-Day Suspension Date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Roberts, Draper

GCL: Young

RAD: Garl

**Issue 1:** Should FPL's petition for approval of its proposed Residential Service Dynamic Price Response Pilot Rate (Pilot Rate), and the associated tariff sheets Nos. 8.220, and 8.030.2, be suspended pending a final decision in this docket?

**Recommendation:** Yes. The Pilot Rate program and its associated tariff sheets should be suspended, to allow staff sufficient time to review the petition and gather all pertinent information in order to present the Commission with an informed recommendation.

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

**Recommendation:** No. This docket should remain open pending the Commission's final decision on the proposed Residential Service Dynamic Price Response Pilot Rate and its associated tariffs.

**DECISION:** The recommendations were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown