

**MINUTES OF November 20, 2007**  
**COMMISSION CONFERENCE**  
**COMMENCED: 9:35 a.m.**  
**ADJOURNED: 10:10 a.m.**

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

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

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1                    **Approval of Minutes**  
October 9, 2007 Regular Commission Conference

DECISION: The minutes were approved.

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

**ITEM NO.**

**CASE**

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2\*\*

**Consent Agenda**

PAA

A) Application for certificate to provide pay telephone service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
070644-TC	Sterling Payphones, LLC

PAA

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
070658-TX	FL - CLEC LLC

PAA

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
070659-TA	FL - CLEC LLC

D) Docket No. 070640-GU – Chesapeake Utilities Corporation (Chesapeake or Company) seeks authority to issue common stock, preferred stock and secured and/or unsecured debt, and to enter into agreements for interest rate swap products, equity products and other financial derivatives, and to issue short-term borrowings in 2008.

The Company seeks authority to issue during calendar year 2008 up to 5,000,000 shares of Chesapeake common stock; up to 1,000,000 shares of Chesapeake preferred stock; up to \$80 million in secured and/or unsecured debt; to enter into agreements up to \$40 million in Interest Rate Swap Products, Equity Products and other Financial Derivatives; and to issue short-term obligations during 2008, in an amount not to exceed \$70 million.

Chesapeake Utilities Corporation allocates funds to the Florida Division on an as-needed basis, although in no event would such allocations exceed 75 percent of the proposed equity securities (common stock and preferred stock), long-term debt, short-term debt, Interest Rate Swap Products, Equity Products and Financial Derivatives.

For monitoring purposes, this docket should remain open until April 28, 2009 to allow the Company time to file the required Consummation Report.

ITEM NO.

CASE

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2\*\*

Consent Agenda

(Continued from previous page)

- E) Docket No. 070653-EI – Application of Progress Energy Florida, Inc. (“Company”) for authority to issue and sell securities during the twelve months ending December 31, 2008. The maximum principal amount of equity securities, long-term debt securities and other long-term obligations proposed to be issued, sold, or otherwise incurred during 2008 is \$2.0 billion. The maximum principal amount of short-term securities and obligations proposed to be issued, sold, or otherwise incurred during 2008 and 2009 is \$1 billion outstanding at any time.

In connection with this application, the Company confirms that the capital raised pursuant to this application will be used in connection with the activities of Progress Energy Florida, Inc. and not the unregulated activities of its affiliates.

For monitoring purposes, this docket should remain open until April 28, 2009 to allow the Company time to file the required Consummation Report.

- F) Docket No. 070660-EI – Florida Power & Light Company (“FPL” or “Company”) seeks authority to issue and sell and/or exchange any combination of long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$6.1 billion during calendar year 2008. In addition, FPL seeks permission to issue and sell short-term securities during calendar years 2008 and 2009 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at the time of and including any such sale shall not exceed \$3.0 billion.

In connection with this application, FPL confirms that the capital raised pursuant to this application will be used in connection with the activities of FPL and not the unregulated activities of its affiliates.

For monitoring purposes, this docket should remain open until April 28, 2009 to allow the Company time to file the required Consummation Report.

ITEM NO.

CASE

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2\*\*

Consent Agenda

(Continued from previous page)

G) Docket No. 070666-GU – Florida City Gas seeks authority to finance its on-going cash requirements through its participation and borrowings from and investments in AGL Resources’ (“AGLR”) Utility Money Pool during 2008. Florida City Gas is a division of Pivotal Utility Holdings, Inc., which is a wholly-owned subsidiary of AGLR. The maximum aggregate borrowings by Pivotal Utility Holdings, Inc.’s three utilities from the Utility Money Pool during 2008 will not exceed \$800 million. Florida City Gas states that its share of these borrowings will not exceed \$250 million.

For monitoring purposes, this docket should remain open until April 28, 2009 to allow the Company time to file the required Consummation Report.

**Recommendation:** The Commission should approve the action requested in the dockets referenced above and close these dockets, with the exception of Docket Nos. 070640-GU, 070653-EI, 070660-EI, and 070666-GU, which must remain open for monitoring purposes.

**DECISION:** The recommendation was approved.

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

**ITEM NO.**

**CASE**

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3\*\*

**Docket No. 070672-EI** – Proposed amendment of Rule 25-6.0423, F.A.C., Nuclear Power Cost Recovery, and Rule 25-22.081, F.A.C., Contents of Petition.

**Critical Date(s):** 12/12/07 (6 month deadline)

**Rule Status:** Proposed

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** McMurrin

**Staff:** GCL: Smith

ECR: Hewitt, Lewis

**Issue 1:** Should the Commission propose amendments to Rule 25-6.0423, Nuclear Power Plant Cost Recovery, to include integrated gasification combined cycle plants for alternative cost recovery?

**Recommendation:** Yes. Rulemaking is required by the 2007 changes to Section 366.093, Florida Statutes.

**Issue 2:** Should the Commission propose amendments to Rule 25-22.081, Contents of Petition, to require electric utilities seeking a determination of need for an integrated gasification combined cycle plant to file information paralleling that required for nuclear plants and to require all applicants to submit information to allow the Commission to evaluate the use of conservation measures and renewable generation resources in the need determination process?

**Recommendation:** Yes. The 2007 amendments to Sections 366.93 and 403.519 require these changes to the Rule.

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

**Recommendation:** Yes. If no requests for hearing or comments are filed, the rule amendments as proposed can be filed for adoption with the Secretary of State, and the docket should be closed.

**DECISION:** The recommendations were approved.

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

**ITEM NO.**

**CASE**

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4\*\*

**Docket No. 070587-TP** – Proposed repeal of Rules 25-4.053, Application and Scope; 25-4.054, Maintenance of Records; 25-4.055, Classification of Exchanges; and 25-4.056, Reclassification of Exchanges, F.A.C.

**Docket No. 070588-TP** – Proposed repeal of Rules 25-4.042, Extended Area Service; 25-4.057, Application and Scope; 25-4.058, Conditions for Approval; 25-4.059, Filing Requirements; 25-4.060, Community of Interest Considerations; 25-4.061, Hearings; 25-4.063, Subscriber Survey; and 25-4.064, Alternatives to Non-optional Extended Area Service, F.A.C.

**Critical Date(s):** None

**Rule Status:** Proposed Repeal

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Argenziano

**Staff:** GCL: Gervasi

CMP: Barrett

ECR: Dickens

**Issue 1:** Should Rules 25-4.053 through 25-4.056, F.A.C., be repealed in Docket No. 070587-TP?

**Recommendation:** Yes. Rules 25-4.053 through 25-4.056, F.A.C., should be repealed in Docket No. 070587-TP because they are no longer necessary.

**Issue 2:** Should Rules 25-4.042, 25-4.057 through 25-4.061, and 25-4.063 through 25-4.064, F.A.C., be repealed in Docket No. 070588-TP?

**Recommendation:** Yes. Rules 25-4.042, 25-4.057 through 25-4.061, and 25-4.063 through 25-4.064, F.A.C., should be repealed in Docket No. 070588-TP because they are no longer necessary.

**Issue 3:** Should Docket Nos. 070587-TP and 070588-TP be closed?

**Recommendation:** Yes. If no comments or requests for hearing are filed in these dockets, the rule repeal proposals should be filed with the Secretary of State, and the dockets should be closed.

DECISION: The recommendations were approved.

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

**ITEM NO.**

**CASE**

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5\*\*

**Docket No. 070387-TP** – Complaint of BLC Management, LLC d/b/a Angles Communication Solutions against BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and request that Commission take jurisdiction over complaint for limited purpose of ordering parties to maintain status quo pending outcome of complaint in Tennessee.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** McMurrian

**Staff:** GCL: Teitzman

CMP: Barrett, King

**Issue 1:** Should the Commission grant Angles' Agreed Motion to Dismiss, with prejudice?

**Recommendation:** Yes. The Commission should grant Angles' Agreed Motion to Dismiss, with prejudice.

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

**Recommendation:** Yes. If the Commission approves staff's recommendation in Issue 1, there are no further matters for the Commission to adjudicate in this docket and, therefore, it should be closed.

**DECISION:** The recommendations were approved.

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

**ITEM NO.**

**CASE**

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6\*\*

**Docket No. 070552-TP** – Petition and complaint for expedited proceeding or, alternatively, petition and complaint or petition for declaratory statement, by MetroPCS Florida, LLC, requiring BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast; TDS Telecom d/b/a TDS Telecom/Quincy Telephone; Windstream Florida, Inc.; Northeast Florida Telephone Company d/b/a NEFCOM; GTC, Inc. d/b/a GT Com; Smart City Telecommunications, LLC d/b/a Smart City Telecom; ITS Telecommunications Systems, Inc.; and Frontier Communications of the South, LLC, to submit agreements for transit services provided by AT&T Florida for approval.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Carter

**Staff:** GCL: Teitzman  
CMP: King, Lee

**Issue 1:** Should the Commission acknowledge MetroPCS's Notice of Voluntary Dismissal, with prejudice?

**Recommendation:** Yes. The Commission should acknowledge MetroPCS's Notice of Voluntary Dismissal, with prejudice.

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

**Recommendation:** Yes. If the Commission approves staff's recommendation in Issue 1, there are no further matters for the Commission to adjudicate in this docket and, therefore, it should be closed.

**DECISION:** The recommendations were approved.

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



**ITEM NO.**

**CASE**

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7\*\*PAA

**Docket No. 070573-TX** – Request for cancellation of CLEC Certificate No. 7644 by Re-Connection Connection, effective August 30, 2007.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Isler

GCL: McKay

**Issue 1:** Should the Commission deny Re-Connection Connection, a voluntary cancellation of its CLEC Certificate No. 7644 and cancel the certificate on the Commission's own motion with an effective date of August 30, 2007?

**Recommendation:** Yes. The company should be denied a voluntary cancellation as listed on Attachment A of staff's memorandum dated November 7, 2007.

**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 competitive local exchange telecommunications certificate 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 competitive local exchange telecommunications 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 competitive local exchange telecommunications certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fee or upon cancellation of the company's competitive local exchange telecommunications certificate.

**DECISION:** The recommendations were approved.

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

**ITEM NO.**

**CASE**

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8\*\*PAA

**Docket No. 070629-TP** – Joint petition of PAETEC Communications, Inc., holder of CLEC Certificate No. 5756 and IXC Registration No. TJ132, and US LEC of Florida Inc. d/b/a PAETEC Business Services, holder of CLEC Certificate No. 5311 and IXC Registration No. TJ057, for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., to allow transfer of customers from US LEC to PAETEC due to intra-corporate merger of US LEC into PAETEC.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Watts

GCL: McKay

**Issue 1:** Should the Commission approve the request for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of US LEC of Florida Inc. d/b/a PAETEC Business Services' customers to PAETEC Communications, Inc.?

**Recommendation:** Yes. The Commission should approve the request for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code.

**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: Edgar, Carter, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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9\*\*PAA

**Docket No. 070610-TX** – Request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., due to asset purchase agreement, whereby Tele Circuit Network Corporation will acquire substantially all local exchange assets of Actel Wireless, Inc., including, but not limited to, Actel's customer accounts in the State of Florida.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Watts

GCL: Teitzman, McKay

**Issue 1:** Should the Commission approve the request for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of Actel Wireless, Inc.'s local customers to Tele Circuit Network Corporation?

**Recommendation:** Yes. The Commission should approve the request for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code.

**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 administratively upon the issuance of a consummating order.

**DECISION:** The recommendations were approved.

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

**ITEM NO.**

**CASE**

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10\*\*PAA

**Docket No. 070611-TX** – Request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., due to asset purchase agreement, whereby Tele Circuit Network Corporation will acquire substantially all local exchange assets of Deland Actel, Inc., including, but not limited to, Deland's customer accounts in the State of Florida.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Watts

GCL: Teitzman, McKay

**Issue 1:** Should the Commission approve the request for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of Deland Actel, Inc.'s local customers to Tele Circuit Network Corporation?

**Recommendation:** Yes. The Commission should approve the request for waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code.

**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 administratively upon the issuance of a consummating order.

**DECISION:** The recommendations were approved.

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

**ITEM NO.**

**CASE**

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11\*\*PAA

**Docket No. 070370-TL** – Petition for waiver of Rule 25-4.110(5)(c), F.A.C., regarding requirement of local exchange companies to list items for which nonpayment will result in disconnection of customer's basic local service, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast. (Deferred from the September 25, 2007, conference - revised recommendation filed.)

**Critical Date(s):** Statutory deadline waived

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Pruitt, King

GCL: Mann

**Issue 1:** Should the Commission approve the request for waiver of the billing requirement of Rule 25-4.110(5)(c), Florida Administrative Code, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast?

**Recommendation:** Yes. The Commission should approve the request for waiver of the billing requirement of Rule 25-4.110(5)(c), Florida Administrative Code.

**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: Edgar, Carter, McMurrian, Argenziano, Skop

**ITEM NO.**

**CASE**

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12\*\*PAA

**Docket No. 070126-TL** – Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.

**Critical Date(s):** None (Statutory deadline waived)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** McMurrin

**Staff:** CMP: Bloom, Higgins

GCL: Mann

**Issue 1:** Should the Commission grant AT&T Florida’s Amended Motion for Summary Final Order?

**Recommendation:** No. The Commission should deny AT&T Florida's Amended Motion for Summary Final Order seeking relief from its COLR obligation, pursuant to Section 364.025(6)(d), Florida Statutes, because AT&T Florida is not entitled to a summary final order as a matter of law.

**Issue 2:** If the Commission grants staff’s recommendation in Issue 1, should the Commission, on its own motion, reconsider its decision to set this matter directly for hearing?

**Recommendation:** Yes. Given the withdrawal of Avalon Development as a party and staff’s thorough review of the evidence, a hearing appears unnecessary to determine AT&T Florida’s petition for waiver. Procedurally, staff recommends that the Commission issue a notice of proposed agency action.

**Issue 3:** Has AT&T Florida demonstrated “good cause” under Section 364.025(6)(d) for a waiver of its carrier-of-last-resort obligation in the Development of Avalon?

**Recommendation:** Yes. Staff believes that in view of the evidence and testimony presented by AT&T Florida, combined with the unwillingness of the developer of Villages of Avalon Phase II to participate or provide information in this proceeding, good cause exists under Section 364.025(6)(d) for a waiver of the carrier-of-last-resort obligation.

**ITEM NO.**

**CASE**

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12\*\*PAA

**Docket No. 070126-TL** – Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.

(Continued from previous page)

**Issue 4:** Should this docket be closed?

**Recommendation:** If the Commission grants staff's recommendations in Issue 1 and Issue 2, the Order issued from the recommendation in Issue 3 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 administratively upon issuance of the Consummating Order.

DECISION: The recommendations were approved.

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

**ITEM NO.**

**CASE**

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13\*\*

**Docket No. 070243-WS** – Application for quick-take amendment of Certificate Nos. 534-S and 621-W in Franklin County to extend water and wastewater service, by St. James Island Utility Company.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Carter

**Staff:** ECR: Redemann

GCL: Young

**Issue 1:** Should the Commission acknowledge St. James Island Utility Company's "Quick Take" application to expand its territory?

**Recommendation:** Yes. The Commission should acknowledge St. James Island Utility Company's application to amend Certificate Nos. 621-W and 534-S. The proposed territory amendment is described in Attachment A to staff's memorandum dated November 7, 2007. The resultant order should serve as St. James Island Utility Company's amended certificate and it should be retained by the utility. St. James Island Utility Company should charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

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

**Recommendation:** Yes. No further action is required and the docket should be closed.

**DECISION:** The recommendations were approved.

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



**ITEM NO.**

**CASE**

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14\*\*PAA

**Docket No. 060726-WS** – Application for certificates to provide water and wastewater service in Glades County and water service in Highlands County by Silver Lake Utilities, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Skop

**Staff:** ECR: Brady, Redemann

GCL: Fleming

**Issue 1:** Should the utility's proposed initial water, wastewater, and reuse rates and return on investment be approved?

**Recommendation:** Yes. The utility's proposed water, wastewater, and reuse rates, as shown on Schedules 2 through 5 of staff's memorandum filed on November 7, 2007, should be approved. Silver Lake should charge the approved rates until authorized to change them by this Commission in a subsequent proceeding. The rates should be effective for services rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, Florida Administrative Code. A return on equity of 12.01% with a range of plus or minus 100 basis points should be approved.

**Issue 2:** Should the utility's requested service availability policy and charges be approved?

**Recommendation:** Yes. The utility's proposed service availability policy and charges are consistent with the guidelines in Rule 25-30.580, F.A.C., and should be approved. Silver Lake should charge the approved charges until authorized to change them by this Commission in a subsequent proceeding. The charges should be effective for connections made on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C.

**Issue 3:** Should the utility's request for initial customer deposits, miscellaneous service charges, and a late fee be approved?

**Recommendation:** Yes. The utility's request for initial customer deposits, miscellaneous service charges, and a late fee should be approved. The deposits and charges should be effective for services rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C.

**Issue 4:** Should an Allowance for Funds Used During Construction (AFUDC) rate be approved for Silver Lake Utilities, Inc.?

**Recommendation:** Yes. An annual AFUDC rate of 10.35% and a discounted monthly rate of 0.862091 should be approved. The approved rate should be applicable for eligible construction projects beginning on or after September 4, 2007.

**ITEM NO.**

**CASE**

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14\*\*PAA

**Docket No. 060726-WS** – Application for certificates to provide water and wastewater service in Glades County and water service in Highlands County by Silver Lake Utilities, Inc.

(Continued from previous page)

**Issue 5:** Should this docket be closed?

**Recommendation:** No. If no protest to the proposed agency action issues is filed by a substantially affected person within 21 days of the date of the order, a consummating order should be issued. However, the docket should remain open to allow the utility to file the executed and recorded copies of the long-term leases required by Order No. PSC-07-0717-FOF-WS. The docket should be closed administratively upon receipt of the executed and recorded copy of the long-term leases.

**DECISION:** The recommendations were approved.

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

**ITEM NO.**

**CASE**

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15

**Docket No. 070627-WU** – Application for staff-assisted rate case in Lake County by Raintree Utilities, Inc.

**Critical Date(s):** 02/23/09 (15-month effective date (SARC))

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Skop

**Staff:** ECR: Roberts, Hudson, Massoudi, Rendell

GCL: Hartman

**Issue 1:** Should Raintree’s proposed water plant capacity charge of \$2,900 per residential connection be approved on a temporary basis?

**Recommendation:** Yes. Raintree’s proposed water plant capacity charge of \$2,900 per residential connection should be approved on a temporary basis, subject to refund, for connections made on or after the stamped approval date of the tariff sheets, pursuant to Rule 25-30.475(2), Florida Administrative Code.

**Issue 2:** If the temporary charges are approved, what is the appropriate security to guarantee the temporary increase?

**Recommendation:** Raintree should be required to file an escrow agreement to guarantee the amount of plant capacity charges collected subject to refund. Pursuant to an escrow agreement, Raintree would be required to deposit the monthly amount of plant capacity charges collected, until completion of this investigation. Pursuant to Rule 25-30.360(6), F.A.C., the utility should be required to provide a report by the 20th day of each month indicating the monthly and total amount of plant capacity charges collected subject to refund as of the end of the preceding month. Should a refund be required, the refund should be with interest and undertaken in accordance with Rule 25-30.360, F.A.C.

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

**Recommendation:** No. The docket should remain open pending the Commission’s final action on the utility’s requested rate increase.

**DECISION:** The recommendations were approved.

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

**ITEM NO.**

**CASE**

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16\*\*

**Docket No. 070391-WS** – Application for certificates to provide water and wastewater service in Sumter County by Orange Blossom Utilities, Inc.

**Critical Date(s):** 11/28/07 (Statutory deadline for original certificate, pursuant to Section 367.031, Florida Statute)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** McMurrin

**Staff:** ECR: Clapp, Walden

GCL: Jaeger

**Issue 1:** Should Orange Blossom Utilities, Inc.'s application for water and wastewater certificates be granted?

**Recommendation:** Yes. Orange Blossom Utilities, Inc. should be granted Certificate Nos. 639-W and 548-S to serve the territory described in Attachment A of staff's memorandum dated November 7, 2007, effective the date of the Commission's vote. The resultant order should serve as OBU's water and wastewater certificates and it should be retained by the utility. The utility should file an executed and recorded copy of the warranty deed for the land for the water and wastewater facilities within 30 days of the issuance date of the Order granting the certificates.

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

**Recommendation:** No. The docket should remain open pending the establishment of initial rates and charges.

**DECISION:** The recommendations were approved.

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

**ITEM NO.**

**CASE**

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17

**Docket No. 070109-WS** – Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities, LLC).

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** McMurrin

**Staff:** ECR: Walden

GCL: Jaeger

**Issue 1:** Should Charlotte County's Request for Oral Argument be granted?

**Recommendation:** Yes. Oral argument should be granted. There is a large volume of information provided and oral argument may aid the Commission in rendering its decision. If the Commission grants oral argument, each party should be limited to ten minutes.

**Issue 2:** Should Charlotte County's Motion for Summary Final Order be granted?

**Recommendation:** No. The County's Motion for Summary Final Order should be denied.

**Issue 3:** Should Charlotte County's Alternative Motion for Relinquishment of Jurisdiction be granted?

**Recommendation:** No. The County's Alternative Motion for Relinquishment of Jurisdiction should be denied.

**Issue 4:** Should the docket be closed?

**Recommendation:** No. The docket should remain open for the processing of the protested amendment application.

**DECISION:** The recommendations were approved.

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

**ITEM NO.**

**CASE**

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18\*\*

**Docket No. 070349-WS** – Application for amendment of Certificates 410-W and 305-S to extend water and wastewater service areas to include land in Marion County, by Utilities, Inc. of Florida.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Skop

**Staff:** ECR: Walden

GCL: Jaeger

**Issue 1:** Should the Commission approve Utilities, Inc. of Florida's application to amend Certificate No. 410-W?

**Recommendation:** Yes. The Commission should approve Utilities, Inc. of Florida's application to expand its territory and amend Certificate No. 410-W. The proposed territory amendment is described in Attachment A of staff's memorandum dated November 7, 2007. The resultant order should serve as Utilities, Inc. of Florida's amended certificate and it should be retained by the utility. Utilities, Inc. of Florida should charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

**Issue 2:** Should the Commission acknowledge Utilities, Inc. of Florida's request for withdrawal of its application and a refund of the wastewater application fee?

**Recommendation:** Yes. The Commission should acknowledge withdrawal of the application and refund the \$500 filing fee paid by Utilities Inc. of Florida for the wastewater application.

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

**Recommendation:** Yes. No further action is required and the docket should be closed.

**DECISION:** The recommendations were approved.

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

**ITEM NO.**

**CASE**

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19\*\*PAA

**Docket No. 070361-WU** – Application for amendment of Certificate No. 106-W to extend water service to include certain territory in Lake County adjacent to Silver Lakes Estates water system, and for approval of special developer's agreement, by Aqua Utilities Florida, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Walden

GCL: Jaeger

**Issue 1:** Should the Commission approve Aqua Utilities Florida, Inc.'s application for amendment of Certificate No. 106-W?

**Recommendation:** Yes. The Commission should approve Aqua Utilities Florida, Inc.'s amendment application to amend Certificate No. 106-W. The proposed territory is described in Attachment A of staff's memorandum dated November 7, 2007. The resultant order should serve as Aqua Utilities Florida, Inc.'s amended certificate and it should be retained by the utility. Aqua Utilities Florida, Inc. should charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

**Issue 2:** Should the Commission approve the special developer agreement filed by the developer and the utility?

**Recommendation:** Yes. Staff recommends the special developer agreement and proposed accounting treatment be approved.

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

**Recommendation:** Yes. If a substantially affected person does not protest the proposed agency action portion of the Order within 21 days, a Consummating Order will be issued, and the docket will be closed.

DECISION: The recommendations were approved.

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

**ITEM NO.**

**CASE**

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20\*\*PAA

**Docket No. 070362-WU** – Application for amendment of Certificate No. 106-W to extend water service to include certain territory in Lake County adjacent to East Lake Harris - Friendly Center water system, and for approval of special developer's agreement, by Aqua Utilities Florida, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Walden

GCL: Jaeger

**Issue 1:** Should the Commission approve Aqua Utilities Florida Inc.'s application for amendment of Certificate No. 106-W?

**Recommendation:** Yes. The Commission should approve Aqua Utilities Florida, Inc.'s amendment application to amend Certificate No. 106-W. The proposed territory is described in Attachment A of staff's memorandum dated November 7, 2007. The resultant order should serve as Aqua Utilities Florida, Inc.'s amended certificate and it should be retained by the utility. Aqua Utilities Florida, Inc. should charge the customers in the added territory the rates and chares contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

**Issue 2:** Should the Commission approve the special developer agreement filed by the developer and the utility?

**Recommendation:** Yes. Staff recommends the special developer agreement and proposed accounting treatment be approved.

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

**Recommendation:** Yes. If a substantially affected person does not protest the proposed agency action portion of the Order within 21 days, a Consummating Order will be issued, and the docket will be closed.

DECISION: The recommendations were approved.

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



**ITEM NO.**

**CASE**

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21\*\*

**Docket No. 070643-WS** – Resolution No. 2007-143 by Charlotte County Board of Commissioners, in accordance with Section 367.171, F.S., rescinding Florida Public Service Commission jurisdiction over private water and wastewater systems in Charlotte County.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Johnson, Kaproth

GCL: Klancke

**Issue 1:** Should the Commission acknowledge Charlotte County’s Resolution No. 2007-143, rescinding the Commission’s jurisdiction over private water and wastewater utilities in Charlotte County effective September 25, 2007?

**Recommendation:** Yes. Charlotte County’s Resolution should be acknowledged as rescinding Commission jurisdiction in Charlotte County effective September 25, 2007. Certificate No. 574-W held by Bocilla Utilities, Inc., Certificate No. 615-W held by Little Gasparilla Water Utility, Inc., and Certificate No. 573-W held by NHC Utilities, Inc. should be cancelled effective September 25, 2007. Certificate Nos. 611-W and 527-S held by Sun River Utilities, Inc. and Certificate No. 495-S held by Utilities, Inc. of Sandalhaven will remain active until Docket Nos. 060285-SU and 070109-WS are closed. Staff should be given administrative authority to cancel the certificates when the dockets close. The cancellation of these certificates does not affect the authority of the Commission to collect, nor the obligation of these utilities to pay, regulatory assessment fees (RAFs), penalties, and interest accrued prior to the September 25, 2007, transfer of jurisdiction to Charlotte County. Little Gasparilla Water Utility, Inc., NHC Utilities, Inc. and Sun River Utilities, Inc. will be responsible for final payment of RAFs for the period of January 1 through September 25, 2007, on or before the prescribed due date. Bocilla Utilities, Inc. and Utilities, Inc. of Sandalhaven will be responsible for final payment of RAFs for the period of July 1, through September 25, 2007, on or before the prescribed due date of January 30, 2008. These utilities will not be responsible for filing an annual report for 2007. Pursuant to Section 367.171(7), Florida Statutes, the Commission retains jurisdiction over Certificate Nos. 599-W and 514-S held by Lake Suzy Utilities, Inc. and Certificate Nos. 613-W and 543-S held by Town and Country Utilities Company because the utilities transverse county boundaries.

**ITEM NO.**

**CASE**

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21\*\*

**Docket No. 070643-WS** – Resolution No. 2007-143 by Charlotte County Board of Commissioners, in accordance with Section 367.171, F.S., rescinding Florida Public Service Commission jurisdiction over private water and wastewater systems in Charlotte County.

(Continued from previous page)

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

**Recommendation:** No. This docket should remain open until Docket Nos. 060285-SU and 070109-WS are closed, after which time this docket should be closed administratively.

**DECISION:** The recommendations were approved.

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