MINUTES OF October 24, 2006
COMMISSION CONFERENCE
COMMENCED: 9:35 a.m.
ADJOURNED: 10:20 a.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 (**).

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1 **Approval of Minutes**
September 19, 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
060626-TA	Mobilitie, LLC

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

DOCKET NO.	COMPANY NAME
060608-TX	OPEX Communications, Inc.

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

DOCKET NO.	COMPANY NAME	EFFECTIVE DATE
060654-TX	TWC Information Services (Florida) LLC d/b/a Time Warner Cable	10/2/2006

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. 060508-EI** – Proposed adoption of new rule regarding nuclear power plant cost recovery.

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: All Commissioners
Prehearing Officer: Carter

Staff: GCL: Harris
ECR: Hewitt, Kummer, Lester, Lewis, McNulty, Slemkewicz

Issue 1: Should the Commission propose Rule 25-6.0423, Florida Administrative Code, Nuclear Power Plant Cost Recovery?
Recommendation: Yes.
Issue 2: Should this docket be closed?
Recommendation: Yes. If no requests for hearing or comments are filed, the rule amendments as proposed should be filed for adoption with the Secretary of State and the docket should be closed.

DECISION: This item was deferred.

ITEM NO.	CASE

4** **Docket No. 040530-TP** – Petition for expedited ruling requiring BellSouth Telecommunications, Inc. and Verizon Florida Inc. to file for review and approval any agreements with CLECs concerning resale, interconnection, or unbundled network elements, by Florida Competitive Carriers Association, AT&T Communications of the Southern States, LLC d/b/a AT&T, MCImetro Access Transmissions Services LLC, and MCI WorldCom Communications, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Edgar

Staff: GCL: West
CMP: Lee

Issue 1: Should the Commission acknowledge the Joint CLECs' Notice of Withdrawal filed on September 20, 2006, in this docket?
Recommendation: Yes. The Commission should acknowledge the Joint CLECs' Notice of Withdrawal without prejudice.
Issue 2: Should this Docket be closed?
Recommendation: Yes. With the withdrawal of the Petition, there are no further matter for this Commission to adjudicate in this Docket and, therefore, it should be closed.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

5 **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: GCL: Fudge, Wiggins
CMP: Buys, Kennedy

Issue 1: Should the Commission grant Joint CLECs' Motion for Stay?
Recommendation: No. Joint CLECs do not have a likelihood of success on the merits and have failed to demonstrate that they will suffer irreparable harm if the stay is not granted.
Issue 2: Should this docket be closed?
Recommendation: No. This docket should remain open pending resolution of the appeal with the Court.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

6**PAA

Docket No. 060489-GU – Joint petition for approval of territorial agreement whereby Florida Public Utilities Company would provide service to customers within a development bounded by Indiantown Gas Company, Inc.'s current service area.
Docket No. 060492-GU – Petition for approval of firm transportation service agreement between Indiantown Gas Company and Florida Public Utilities Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Arriaga (060489-GU)
Administrative (060492-GU)

Staff: GCL: Brubaker, Jaeger
ECR: Daniel, Redemann, Rieger

Issue 1: Should the Commission approve the Territorial Agreement filed by Indiantown Gas Company, Inc. and Florida Public Utilities Company?
Recommendation: Yes. The Territorial Agreement filed by Indiantown Gas Company, Inc. and Florida Public Utilities Company is in the public interest and should be approved. The Agreement should become effective upon the expiration of the appeal period following the issuance of the Consummating Order in this docket. Indiantown and FPUC should be required to file revised tariffs within 30 days following the Consummating Order which reflect the approved territorial descriptions.
Issue 2: Should the Commission approve the Firm Transportation Service Agreement filed by Indiantown Gas Company, Inc. and Florida Public Utilities Company?
Recommendation: Yes. The Firm Transportation Service Agreement filed by Indiantown Gas Company, Inc. and Florida Public Utilities Company is in the public interest and should be approved. The Agreement should become effective upon the expiration of 30 days after the final order approving the Agreement.
Issue 3: Should this docket be closed?
Recommendation: Yes. If no protest is filed by a substantially affected person within 21 days of the date of the Proposed Agency Action Order, this docket should be closed upon the issuance of a Consummating Order. If a protest is filed by a person whose substantial interests are affected within 21 days of the Order the docket should remain open.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

7** **Docket No. 050194-TL** – Complaint by Florida BellSouth customers who paid fees to BellSouth Telecommunications, Inc. related to Miami-Dade County Ordinance Section 21-44 ("Manhole Ordinance") and request that Florida Public Service Commission order BellSouth to comply with Section A.2.4.6 of General Subscriber Service Tariff and refund all fees collected in violation thereof.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Carter

Staff: GCL: Scott
CMP: Simmons, Dowds, Higgins

Issue 1: Should the Commission accept the Petitioners' untimely filed Protest of Proposed Agency Action Order PSC-06-0685-PAA-TL?
Recommendation: No. The Commission should deny the Petitioners' Protest on the basis that it is untimely, because the doctrine of equitable tolling does not apply. Moreover, the Protest does not substantially comply with Rule 28-106.201(2)(b), Florida Administrative Code. Therefore, staff recommends that this matter not be set for an administrative hearing and that Proposed Agency Action Order PSC-06-0685-PAA-TL be made final and effective.
Issue 2: Should this docket be closed?
Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, there is no further action for the Commission to take. Therefore, this docket may be closed. Furthermore, Proposed Agency Action Order No. PSC-06-0685-PAA-TL should be made final and effective. If the Commission denies staff's recommendation in Issue 1, then this matter should be set for an administrative hearing.

DECISION: This item was deferred.

ITEM NO.	CASE

8** **Docket No. 060077-TL** – Proposal to require local exchange telecommunications companies to implement ten-year wood pole inspection program.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: CMP: Moses, Harvey, Vinson
GCL: Teitzman

Issue 1: Should the Commission approve Embarq's revised wood pole inspection plan (Attachment A of staff's October 12, 2006 memorandum)?
Recommendation: Yes.
Issue 2: Should this docket be closed?
Recommendation: Yes. The docket should be closed.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

9**PAA

Docket No. 060641-TP – Bankruptcy cancellation by Florida Public Service Commission of CLEC Certificate No. 5652 and IXC Registration No. TJ102 issued to NOW Communications, Inc., effective September 22, 2006.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: CMP: Isler
GCL: McKay

Issue 1: Should the Commission grant NOW Communications, Inc., as listed in Attachment A of staff's October 12, 2006 memorandum, cancellation of its IXC Registration No. TJ102 and tariff, and CLEC Certificate No. 5652 with an effective date of September 22, 2006, due to bankruptcy; notify the Division of the Commission Clerk and Administrative Services that any unpaid Regulatory Assessment Fees, including statutory late payment charges, should not be sent to the Florida Department of Financial Services for collection and request permission to write off the uncollectible amounts; and require the company to immediately cease and desist providing intrastate interexchange telecommunications and competitive local exchange services in Florida?
Recommendation: Yes. The company's IXC registration and CLEC certificate should be granted a bankruptcy cancellation with an effective date of September 22, 2006.
Issue 2: Should this docket be closed?
Recommendation: Yes, if no protest is filed and upon issuance of a Consummating Order.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

10**PAA

Docket No. 060502-TI – Compliance investigation of World-Link Solutions, Inc. d/b/a WL Solutions, Inc. for apparent violation of Rules 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection; and 25-24.475, F.A.C., Company Operations and Customer Relations.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: CMP: Buys
GCL: Tan

Issue 1: Should the Commission accept World-Link Solution Inc.'s settlement offer to resolve its apparent violation of Rules 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection, and 25-24.475, F.A.C., Company Operations and Customer Relations?

Recommendation: Yes. The Commission should accept World-Link Solution Inc.'s settlement offer to make a voluntary contribution to the Florida General Revenue Fund in the amount of $3,500 to resolve its apparent violation of Rules 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection, and 25-24.475, F.A.C., Company Operations and Customer Relations.

Issue 2: Should this docket be closed?

Recommendation: Staff recommends that the Order issued from this recommendation 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. World-Link should be required to submit payment of $3,500 no later than December 20, 2006. The payment should be made payable to the Florida Public Service Commission and include the docket number. If World-Link fails to comply with the actions agreed to in its settlement proposal, dated September 15, 2006, its tariff should be cancelled, its name should be removed from the IXC register, and the company should be required to immediately cease and desist providing all intrastate telecommunications services in Florida. This docket should be closed administratively upon receipt of the payment of the voluntary contribution or upon cancellation of the company's tariff and removal of its name from the IXC register.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

11** **Docket No. 050948-TX** – Compliance investigation of Arrow Communications, Inc. d/b/a ACI 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
GCL: Tan, West

Issue 1: Should the Commission acknowledge Arrow Communications, Inc d/b/a ACI's withdrawal of its Petition of PAA Order No. PSC-06-0440-PAA-TX and Request for Formal Proceeding (Protest)?
Recommendation: Yes. Staff recommends that the Commission acknowledge Arrow Communications, Inc d/b/a ACI's withdrawal. Staff also recommends that PAA Order No. PSC-06-0440-PAA-TX be rendered final and effective and that Certificate No. 4468 be canceled per the Commission's May 22, 2006, Order.
Issue 2: Should this Docket be closed?
Recommendation: Yes. Staff believes that this Docket should be closed and competitive local exchange telecommunications company (CLEC) Certificate No. 4468 should be canceled upon issuance of the Final Order. The company should be required to immediately cease and desist providing CLEC services in Florida. Staff shall send the company the 2006 Competitive Local Exchange Regulatory Assessment Fee Return, Form PSC/CMP 7 (01/05), as required by Rule 25-4.0161, Florida Administrative Code.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

12**PAA

Docket No. 060619-TX – Compliance investigation of North American Telecommunications Corporation for apparent violation of Section 364.183(1), F.S., Access to Company Records.
Docket No. 060620-TX – Compliance investigation of CariLink International, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.
Docket No. 060621-TX – Compliance investigation of Baldwin County Internet/DSSI Service, L.L.C. for apparent violation of Section 364.183(1), F.S., Access to Company Records.
Docket No. 060622-TX – Compliance investigation of Phone 1 Smart LLC for apparent violation of Section 364.183(1), F.S., Access to Company Records.
Docket No. 060623-TX – Compliance investigation of EFFECTEL CORP for apparent violation of Section 364.183(1), F.S., Access to Company Records.
Docket No. 060624-TX – Compliance investigation of Seven Bridges Communications, L.L.C. for apparent violation of Section 364.183(1), F.S., Access to Company Records.
Docket No. 060625-TX – Compliance investigation of Telephone One 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: Administrative

Staff: CMP: Curry, Ollila
GCL: McKay, Tan

Issue 1: Should the Commission impose a penalty in the amount of $10,000 or cancel the respective certificate of each company listed in Attachment A of staff's October 12, 2006 memorandum for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?
Recommendation: Yes. The Commission should impose a penalty in the amount of $10,000 or cancel the respective certificate of each company listed in Attachment A of staff's October 12, 2006 memorandum for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records.

ITEM NO.	CASE
12**PAA	**Docket No. 060619-TX** – Compliance investigation of North American Telecommunications Corporation for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060620-TX** – Compliance investigation of CariLink International, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060621-TX** – Compliance investigation of Baldwin County Internet/DSSI Service, L.L.C. for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060622-TX** – Compliance investigation of Phone 1 Smart LLC for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060623-TX** – Compliance investigation of EFFECTEL CORP for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060624-TX** – Compliance investigation of Seven Bridges Communications, L.L.C. for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060625-TX** – Compliance investigation of Telephone One Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records. (Continued from previous page) **Issue 2**: Should this docket be closed? **Recommendation:** The Order issued from this recommendation will become final and effective upon issuance of a Consummating Order in each respective docket, unless a person whose substantial interests are affected by the Commission's decision in a given docket 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 docket's Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If any of the companies listed in Attachment A of staff's October 12, 2006 memorandum fails to timely file a protest in its respective docket and request a Section 120.57, Florida Statutes, hearing, the facts in that docket should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If any of the companies listed in Attachment A fails to pay the penalty within fourteen (14) calendar days after the issuance of the Consummating Order in its respective docket, the company's CLEC

ITEM NO.	CASE
12**PAA	**Docket No. 060619-TX** – Compliance investigation of North American Telecommunications Corporation for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060620-TX** – Compliance investigation of CariLink International, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060621-TX** – Compliance investigation of Baldwin County Internet/DSSI Service, L.L.C. for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060622-TX** – Compliance investigation of Phone 1 Smart LLC for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060623-TX** – Compliance investigation of EFFECTEL CORP for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060624-TX** – Compliance investigation of Seven Bridges Communications, L.L.C. for apparent violation of Section 364.183(1), F.S., Access to Company Records. **Docket No. 060625-TX** – Compliance investigation of Telephone One Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records. (Continued from previous page) certificate, as listed in Attachment A, should be cancelled. If a company's certificate is cancelled in accordance with the Commission's Orders from this recommendation, that company should be required to immediately cease and desist providing telecommunications services in Florida. These dockets should be closed administratively upon either receipt of the payment of the penalty imposed in the respective docket or upon the cancellation of the respective company's certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

13 **Docket No. 060001-EI** – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Carter

Staff: ECR: Lester, McNulty
GCL: Bennett, Keating

Issue 1: Should FPL's Request for Oral Argument be granted?
Recommendation: No. Oral argument should be denied. Staff believes that the motion is clear on its face. However, if the Commission believes that oral argument would be helpful, it has the discretion to hear from FPL and FPL's argument should be limited to five minutes.
Issue 2: Should FPL's Motion for Reconsideration of Order No. PSC-06-0568-CFO-EI be granted?
Recommendation: Yes. FPL's Motion for Reconsideration should be granted.
Issue 3: Should this docket be closed?
Recommendation: This docket is an ongoing docket and should remain open.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

14**PAA **Docket No. 060198-EI** – Requirement for investor-owned electric utilities to file ongoing storm preparedness plans and implementation cost estimates.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: ECR: Lee, Breman, McNulty, Trapp
GCL: Gervasi

Issue 1: Should the Commission find Progress Energy Florida Inc.'s revised vegetation management plan to be in compliance with Order No. PSC-06-0351-PAA-EI?
Recommendation: Yes. The revised vegetation management plan filed by PEF is reasonable for initial implementation. However, the plan should be reevaluated annually based on actual cost and benefit data, consistent with the requirements of Order No. PSC-06-0781-PAA-EI, issued September 19, 2006.
Issue 2: Should the Commission find Gulf Power Company's revised vegetation management plan to be in compliance with Order No. PSC-06-0351-PAA-EI?
Recommendation: Yes. The revised vegetation management plan filed by GULF is reasonable for initial implementation. However, the plan should be reevaluated annually based on actual cost and benefit data, consistent with the requirements of Order No. PSC-06-0781-PAA-EI, issued September 19, 2006.
Issue 3: Should this docket be closed?
Recommendation: Yes. If no protest to a proposed agency action issue is filed by a person whose interests are substantially affected within 21 days of the Order arising from this recommendation, the docket should be closed upon the issuance of a Consummating Order. If a timely protest to a proposed agency action issue is filed by a person whose substantial interests are affected within 21 days of the Commission Order, the docket should remain open pending the resolution of the protest.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

15** **Docket No. 060577-EI** – Petition to convert green power pricing research project to permanent program and to extend program to commercial customers, by Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: ECR: McRoy, Baxter, Harlow, Slemkewicz
GCL: Fleming

Issue 1: Should Florida Power and Light Company's (FPL) petition to convert its Green Power Pricing Research program to a permanent program and to extend the program to commercial customers be approved?

Recommendation: Yes, except for the request to establish a regulatory liability for recording the deferral of program revenues in excess of program expenses. Instead, the deferred revenues should be recorded as a deferred credit in Account 253, Other Deferred Credits, pending their ultimate disposition. FPL's proposed Green Power Program (GPP) is designed to provide benefits for both FPL and its consumers by encouraging the development of renewable resources. The use of Tradeable Renewable Energy Credits (TRECs) in FPL's GPP provides a mechanism for interested customers to encourage renewable development. Each participating customer will be charged $9.75 per month in addition to the customer's charges under the Residential Service rate schedule. In return for each $9.75 customer contribution, FPL will purchase TRECs, associated with 1,000 kWh of renewable energy. In addition starting in April of 2007, residential customers will have the option of purchasing extra 1,000 kWh blocks and paying an extra $9.75 per block. FPL has committed to the development or purchase of 150 kW of ~~photovoltaic~~ solar capacity within Florida for every 10,000 participating residential customers. The TRECs purchased under the GPP should not be counted towards FPL's conservation goals.

DECISION: The recommendation was approved with the noted modification made by staff at the conference.

ITEM NO.	CASE

15** **Docket No. 060577-EI** – Petition to convert green power pricing research project to permanent program and to extend program to commercial customers, by Florida Power & Light Company.

(Continued from previous page)

Issue 2: Should this docket be closed?
Recommendation: Yes. If Issue 1 is approved, this tariff should become effective on October 24, 2006. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect with any increase 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 recommendation was approved.

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

ITEM NO.	CASE

16**PAA **Docket No. 060583-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: Administrative

Staff: ECR: VonFossen
GCL: Brown

Issue 1: Should the Commission approve Tampa Electric Company's petition for implementing its Clean Air Mercury Rule Phase I compliance program as a new activity for cost recovery through the Environmental Cost Recovery Clause?
Recommendation: Yes. Tampa Electric Company's Clean Air Mercury Rule Phase I emission monitoring compliance program is eligible for cost recovery through the ECRC. The projected and actual costs of the program will be considered in the Commission's ECRC proceedings.
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

17** **Docket No. 060574-EI** – Petition for approval to amend Rate Schedule RS-1, by Progress Energy Florida, Inc.

Critical Date(s): 10/25/06 (60-day suspension date)

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: ECR: Draper
GCL: Brown

Issue 1: Should the Commission approve PEF's revised residential rate schedule?
Recommendation: No. In addition, PEF should calculate a prorated residential bill based on actual kilowatt hour usage as opposed to estimated usage based on a 30-day billing period.
Issue 2: How should the Commission address the complaints on proration?
Recommendation: If the Commission approves the staff recommendation in Issue 1, PEF should refund to all consumers who filed a complaint the amount in dispute. If the Commission denies the staff recommendation in Issue 1, this issue is moot.
Issue 3: Should this docket be closed?
Recommendation: Yes. If no protest is filed within 21 days of the issuance of the order, the docket should be closed upon issuance of a consummating order. If the Commission denies staff's recommendation on Issue 1 the tariff should become effective on October 24, 2006, and if a protest is filed, the tariff should remain in effect, with any revenues held subject to refund, pending the resolution of the protest.

DECISION: This item was deferred.

ITEM NO.	CASE

18** **Docket No. 060616-EM** – Petition for approval of revised rate schedules by City of Blountstown.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: ECR: Baxter
GCL: Brown

Issue 1: Should the Commission approve the revised residential and commercial service tariffs filed by the City of Blountstown Municipal Utility?
Recommendation: Yes, the tariffs should be approved effective November 1, 2006.
Issue 2: Should this docket be closed?
Recommendation: Yes. If the tariffs are approved, there is no further action necessary at this time.

DECISION: The recommendations were approved.

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

ITEM NO.	CASE

19**PAA **Docket No. 060573-EQ** – Petition of Tampa Electric Company for approval of 2006 small power production agreement with City of Tampa.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: ECR: Sickel
GCL: Keating

Issue 1: Should the Commission grant the petition of Tampa Electric Company for approval of the agreement between TECO and the City of Tampa for purchase of an incremental 3.5 MW of capacity and energy from the McKay Bay Refuse to Energy Facility?
Recommendation: Yes. The agreement incorporates payment at full avoided cost for energy derived from a renewable source in accord with Section 366.91, Florida Statutes (F.S.), and meets the requirements of Rule 25-17.001(5)(d), 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, Deason, Arriaga, Carter, Tew

ITEM NO. **CASE**

20 **Docket No. 060246-WS** – Application for increase in water and wastewater rates in Polk County by Gold Coast Utility Corp.

Critical Date(s): 10/24/06 (60-day suspension date)

Commissioners Assigned: All Commissioners
Prehearing Officer: Arriaga

Staff: ECR: Rendell, Biggins, Bulecza-Banks, Edwards
GCL: Fleming

Issue 1: Should the proposed water and wastewater rates be suspended?
Recommendation: Yes. Gold Coast's proposed water and wastewater rates should be suspended.
Issue 2: Should an interim revenue increase be granted?
Recommendation: Yes. On an interim basis, the utility should be authorized to collect annual water and wastewater revenues as indicated below:

	Test Year Revenues	$ Increase	Revenue Requirement	% Increase
Water	$140,385	$12,286	$152,671	8.75%
Wastewater	$214,728	$96,963	$311,691	45.16%

Issue 3: What are the appropriate interim water and wastewater rates?
Recommendation: The water and wastewater service rates for Gold Coast in effect as of December 31, 2005, should be increased by 8.75% for water and 45.16% for wastewater to generate the recommended revenue increase for the interim period. The approved rates should be effective for service rendered as of the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1)(a), F.A.C. The rates should not be implemented until staff verifies that the tariff sheets are consistent with the Commission decision, the proposed customer notice is adequate, and the required security has been filed. The utility should provide proof of the date notice was given within 10 days after the date of notice.
Issue 4: What is the appropriate security to guarantee the interim increase?
Recommendation: The utility should be required to open an escrow account, file a surety bond or a letter of credit to guarantee any potential refund of revenues collected under interim conditions. If the security provided is an escrow account, the utility should deposit 8.75% of water and 45.16% of wastewater revenues into the escrow account each month. Otherwise, the surety bond or letter of credit should be in the amount of $64,725. Pursuant to Rule 25-30.360(6), F.A.C., the utility should provide a report by the 20th of each month indicating the monthly and total revenue collected subject to refund. Should a refund be required, the refund should be with interest and undertaken in accordance with Rule 25-30.360, F.A.C

ITEM NO.	CASE
20	**Docket No. 060246-WS** – Application for increase in water and wastewater rates in Polk County by Gold Coast Utility Corp.

(Continued from previous page)

Issue 5: 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, Deason, Arriaga, Carter, Tew

ITEM NO.	CASE

21** **Docket No. 041338-TP** – Joint petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine; Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch; DIECA Communications, Inc. d/b/a Covad Communications Company; Florida Digital Network, Inc.; LecStar Telecom, Inc.; MCI Communications, Inc.; and Network Telephone Corporation ("Joint CLECs") for generic proceeding to set rates, terms, and conditions for hot cuts and batch hot cuts for UNE-P to UNE-L conversions and for retail to UNE-L conversions in BellSouth Telecommunications, Inc. service area.
Docket No. 040301-TP – Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc.

Critical Date(s): None

Commissioners Assigned: Edgar, Deason, Arriaga
Prehearing Officer: Arriaga

Staff: GCL: West, Teitzman
CMP: Vinson

Issue 1: Should Docket Nos. 041338-TP and 040301-TP be closed?
Recommendation: Yes. With the resolution of all of the remaining issues, there are no further matters for this Commission to adjudicate in this consolidated proceeding and, therefore, Docket Nos. 041338-TP and 040301-TP should be closed.

DECISION: The recommendation was approved.

Commissioners participating: Edgar, Deason, Arriaga