

MINUTES OF September 28, 2010
COMMISSION CONFERENCE
COMMENCED: 9:30 am
ADJOURNED: 10:45 am

COMMISSIONERS PARTICIPATING: Commissioner Edgar
Commissioner Skop
Commissioner Graham
Commissioner Brisé

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

1 **Approval of Minutes**
August 17, 2010 Regular Commission Conference
August 31, 2010 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Edgar, Skop, Graham, Brisé

ITEM NO.

CASE

2

Docket No. 100315-GU – Complaint by Miami-Dade County for order requiring Florida City Gas to show cause why tariff rate should not be reduced and for the Commission to conduct a rate proceeding, overearnings proceeding, or other appropriate proceeding regarding Florida City Gas' Acquisition adjustment.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Skop

Staff: GCL: Williams

ECR: Maurey, Kummer, Slemkewicz

(Oral Argument Requested - Participation at Commission's Discretion)

Issue 1: Should the Commission grant Florida City Gas's (FCG) Request for Oral Argument?

Recommendation: Yes. The Commission should grant FCG's Request for Oral Argument. Staff recommends allowing each side 10 minutes to address this matter.

Issue 2: Should the Commission grant Florida City Gas's (FCG) Motion to Dismiss Miami-Dade County's (Miami-Dade or the County) Complaint without prejudice?

Recommendation: Yes. Staff recommends that the Commission grant FCG's Motion to Dismiss, without prejudice. The County's Complaint fails to state a cause of action upon which the Commission can grant relief.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation, the docket should be closed after time for an appeal has run. If the Commission denies staff's recommendation, the docket should remain open.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Skop, Graham, Brisé

ITEM NO.

CASE

3

Docket No. 100318-WS – Petition for order to show cause against Service Management Systems, Inc. in Brevard County for failure to properly operate and manage water and wastewater system.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Skop

Staff: GCL: A. Williams

ECR: J. Williams, Daniel

(Oral Argument Not Requested - Participation at the Commission's Discretion)

Issue 1: Should the Commission grant FL-Service Management, LLC's (the LLC) Motion to Dismiss Aquarina Utility Association, Inc.'s (the Association) Petition for Order to Show Cause Against Service Management Systems, Inc. in Brevard County for Failure to Properly Operate and Manage Water and Wastewater System?

Recommendation: Yes. Staff recommends that the Commission grant the LLC's Motion to Dismiss the Association's Petition without prejudice. The Petition fails to state a cause of action upon which the Commission can grant relief.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation, the docket should be closed after time for an appeal has run. If the Commission denies staff's recommendation, the docket should remain open.

DECISION: The recommendations were approved without prejudice. Staff was directed to meet with Mr. May and Mr. Armstrong to further discuss the issues and bring back to the Commission, if necessary.

Commissioners participating: Edgar, Skop, Graham, Brisé

ITEM NO.

CASE

4**PAA

Docket No. 100383-TP – T-Mobile South, LLC's 2011 annual certification as an eligible telecommunications carrier in rural service areas and request to amend certification area.

Critical Date(s): October 1, 2010, High-Cost Universal Service Certification for 2011 must be submitted to the Federal Communication Commission and Universal Service Administrative Company by October 1

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: RAD: Polk, Casey

GCL: Teitzman

(Issue 1 – Final Agency Action; Issue 2 – Proposed Agency Action)

Issue 1: Should the FPSC certify to the FCC and to the USAC that for the year 2011, T-Mobile will only use the federal high-cost support it receives for the provision, maintenance and upgrading of facilities and services for which the support is intended?

Recommendation: Yes.

Issue 2: Should T-Mobile be allowed to amend its authorized list of rural wire centers for which it is authorized to receive federal high-cost universal service support to add a wire center that T-Mobile inadvertently omitted from its list in Docket 090510-TP?

Recommendation: Yes. Staff recommends that T-Mobile be allowed to amend its authorized list of rural wire centers by adding the **LKPCFLXA** wire center which T-Mobile inadvertently omitted from its list of authorized rural wire centers in Docket 090510-TP.

Issue 3: Should this docket be closed?

Recommendation: Yes. With the approval of Issues 1 and 2, this docket should be closed upon the issuance of an Order consummating Issue 2, if no person whose substantial interests are affected by the proposed agency action files a protest of Issue 2 within 21 days of the issuance of the order.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Skop, Graham, Brisé

ITEM NO.

CASE

5**

Docket No. 100317-SU – Application for amendment of Certificate No. 249-S to extend territory in Volusia County by North Peninsula Utilities Corp.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Skop

Staff: ECR: Simpson

GCL: Jaeger

Issue 1: Should the Commission approve North Peninsula’s application for amendment of Certificate 249-S in Volusia County?

Recommendation: Yes. The Commission should approve North Peninsula’s application for amendment of Certificate 249-S to include territory as reflected in Attachment A of staff’s memorandum dated September 16, 2010. The resultant order should serve as North Peninsula’s amended certificate and should be retained by the Utility. Pursuant to Rule 25-9.044(1), Florida Administrative Code (F.A.C.), the Utility should charge the customer in the territory added herein the rates and charges contained in its current tariff until authorized to be changed by the Commission.

Issue 2: Should this docket be closed?

Recommendation: Yes, if staff’s recommendation in Issue 1 is approved, no further action is required and the docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Skop, Graham, Brisé

ITEM NO.

CASE

6**

Docket No. 100334-WU – Notice of abandonment of water system by San Sebastian Water, LLC in Brevard County, FL.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ECR: Walden, Hillier, Kaproth

GCL: Klancke

Issue 1: Should the Commission acknowledge the notice of abandonment of San Sebastian Water, LLC?

Recommendation: Yes. The Commission should acknowledge the Utility's notice, pursuant to Section 367.165, Florida Statutes.

Issue 2: Should the Commission acknowledge the appointment of Brevard County as the receiver for the Utility and cancel Certificate No. 439-W?

Recommendation: Yes. The Commission should acknowledge the appointment of Brevard County as the receiver for the Utility and cancel Certificate No. 439-W.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 2, the certificate has been cancelled, there are no outstanding issues to be addressed, and the docket can be closed.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Skop, Graham, Brisé