

MINUTES OF September 11, 2007

COMMISSION CONFERENCE

COMMENCED: 9:35 a.m.

ADJOURNED: 9:45 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 (**).

1

Approval of Minutes

August 14, 2007, Regular Commission Conference

DECISION: The minutes were approved.

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

ITEM NO.

CASE

2**

Docket No. 040763-TP – Request for submission of proposals for relay service, beginning in June 2005, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991. (Deferred from July 31 and August 28, 2007, Conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: CMP: Moses, Casey

GCL: Tan, Wiggins

Issue 1: Should the Commission approve ~~exercise~~ the contract option to extend the Sprint Relay contract for one (1) year beginning June 1, 2008, and acknowledge the pricing caps for option years two through four contained in Sprint's August 27, 2007, letter?

Recommendation: Yes. Staff recommends that the Commission approve ~~exercise~~ the contract option to extend the Sprint Relay contract for one (1) year beginning June 1, 2008, and acknowledge the pricing caps for option years two through four contained in Sprint's August 27, 2007, letter.

Issue 2: Should the Commission modify Section B, Paragraph 3, Section B, Paragraph 7, and Section B, Paragraph 56 of the Request for Proposal (RFP) as shown in the type-and-strike of the analysis portion of staff's August 29, 2007, memorandum and incorporate the change by reference into the relay contract with Sprint as Amendment 3?

Recommendation: If the Commission approves Issue 1, staff recommends that the Commission approve the proposed changes to Section B, Paragraph 3; Section B, Paragraph 7; and Section B, Paragraph 56 of the RFP as shown in the type-and-strike of the analysis portion of staff's August 29, 2007, memorandum and incorporate the changes into the contract with Sprint as Amendment 3, effective June 1, 2008 upon the signature of the Commission's Executive Director and Sprint.

Issue 3: Should the Commission approve ~~Mr. Joe Naulty~~ Ms. Cheryl Rhodes, and Mr. Isaac Abenchuchan as Advisory Committee members to replace Ms. Kathy Zarate and Mr. Chris Wagner, effective immediately?

Recommendation: Yes. The Commission should approve ~~Mr. Joe Naulty~~ Ms. Cheryl Rhodes and Mr. Isaac Abenchuchan, as Advisory Committee members to replace Ms. Kathy Zarate and Mr. Chris Wagner effective immediately.

Issue 4: Should this docket be closed?

Recommendation: No. This docket should remain open for the duration of the contract.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

3**

Docket No. 050881-TP – Complaint by DIECA Communications, Inc. d/b/a Covad Communications Company against BellSouth Telecommunications, Inc. for alleged breaches of interconnection agreement.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Skop

Staff: GCL: Wiggins

CMP: Dowds

Issue 1: Should the Commission approve Covad's Notice for Voluntary Dismissal with prejudice

Recommendation: Yes. The Commission should acknowledge Covad's Notice of Voluntary Dismissal With Prejudice.

Issue 2: Should this docket be closed?

Recommendation: Yes.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

4**PAA

Docket No. 070289-TC – Request for cancellation of PATS Certificate No. 7822 by Bruce D. Bahret, effective 4/23/07.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Isler

GCL: McKay

Issue 1: Should the Commission deny Bruce D. Bahret a voluntary cancellation of its Pay Telephone Certificate No. 7822 and cancel the certificate on the Commission's own motion with an effective date of April 23, 2007?

Recommendation: Yes. The company should be denied a voluntary cancellation as listed on Attachment A of staff's memorandum dated August 29, 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 Fees prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's pay telephone company certificate will be voluntary. If the company fails to pay the Regulatory Assessment Fees prior to the expiration of the Proposed Agency Action Order, then the company's pay telephone company certificate should be cancelled administratively, and the collection of the past due Regulatory Assessment Fees should be referred to the Florida Department of Financial Services for further collection efforts. If the company's pay telephone company certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing pay telephone service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fees or upon cancellation of the company's pay telephone company certificate.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

5**PAA

Docket No. 070431-TX – Request for cancellation of CLEC Certificate No. 7235 by Credit Loans, Inc. d/b/a Lone Star State Telephone Co., effective July 17, 2007.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Isler

GCL: McKay

Issue 1: Should the Commission deny Credit Loans, Inc. d/b/a Lone Star State Telephone Co., a voluntary cancellation of its CLEC Certificate No. 7235 and cancel the certificate on the Commission's own motion with an effective date of July 17, 2007?

Recommendation: Yes. The company should be denied a voluntary cancellation as listed on Attachment A of staff's memorandum dated August 29, 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: This item was withdrawn.

ITEM NO.

CASE

6**

Docket No. 060767-TP – Petition of MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services for arbitration of disputes arising from negotiation of interconnection agreement with Embarq Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Carter

Staff: CMP: Trueblood

GCL: Tan, Teitzman

Issue 1: Should the Commission grant Verizon Access' Motion to Terminate Proceedings as Moot?

Recommendation: Yes. The Commission should grant Verizon Access' Motion to Terminate Proceedings as Moot because Verizon Access' has exercised its right to adopt an existing interconnection agreement.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

7**PAA

Docket No. 070560-TI – Compliance investigation of Virtual Reach Corporation for apparent violation of Rules 25-470, F.A.C., Registration Required, and 25-22.032(6)(b), F.A.C., Customer Complaints.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Watts

GCL: McKay

Issue 1: Should the Commission impose a penalty of \$10,000 per violation, for a total of \$40,000, on Virtual Reach Corporation for four apparent violations of Rule 25-22.032(6)(b), Customer Complaints, Florida Administrative Code, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

Recommendation: Yes. The Commission should impose a total penalty of \$40,000 on the company for apparent violation of Rule 25-22.032(6)(b), Florida Administrative Code.

Issue 2: Should the Commission impose a penalty in the amount of \$25,000 upon Virtual Reach Corporation for its apparent violation of Rule 25-24.470, Florida Administrative Code, Registration Required, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

Recommendation: Yes. The Commission should impose a penalty in the amount of \$25,000 upon Virtual Reach Corporation for its apparent violation of Rule 25-24.470, Florida Administrative Code, Registration Required, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order.

ITEM NO.

CASE

7**PAA

Docket No. 070560-TI – Compliance investigation of Virtual Reach Corporation for apparent violation of Rules 25-470, F.A.C., Registration Required, and 25-22.032(6)(b), F.A.C., Customer Complaints.

(Continued from previous page)

Issue 3: Should this docket be closed?

Recommendation: 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 Virtual Reach fails to timely file a protest and request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted, the right to a hearing waived, and the penalties should be deemed assessed. If payment of the penalties is not received within fourteen (14) calendar days after the issuance of the Consummating Order, the penalties should be referred to the Department of Financial Services for collection and the company should be required to immediately cease and desist providing intrastate interexchange telecommunications services in Florida. This docket should be closed administratively upon receipt of the company's current contact information, tariff, customer complaint responses, and payment of the penalties, or upon the referral of the penalties to the Department of Financial Services.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

8**PAA

Docket No. 070556-TX – Request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., due to transfer of customers from Vertex Communications, Inc. to dPi Teleconnect, LLC.

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 Vertex Communications, Inc.'s local customers to dPi Teleconnect, LLC?

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

9**

Docket No. 070430-EI – Petition for approval of revised lighting tariff by Tampa Electric Company.

Critical Date(s): 09/15/07 (60-day suspension date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Baxter

GCL: Fleming

Issue 1: Should the Commission approve TECO's proposed changes to its Premium Outdoor Lighting Service (OL-3) rate schedule?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, this tariff should become effective on September 11, 2007. If a protest is filed within 21 days of the issuance of the order, the 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 recommendations were approved.

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

ITEM NO.

CASE

10**

Docket No. 070325-WU – Application for quick-take amendment of Certificate No. 278-W to extend water service to certain territory in Seminole County, by Utilities, Inc. of Florida.

Docket No. 070360-WS – Application for amendment of Certificates 278-W and 225-S to extend water service area to include Ravenna Park/Lincoln Heights, Park Ridge, and Jansen systems, and to extend wastewater service area to include Ravenna Park/Lincoln Heights system in Seminole County, by Utilities, Inc. of Florida.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Skop (070325-WU)
Administrative (070360-WS)

Staff: ECR: Redemann
GCL: Jaeger

Issue 1: Should the Commission acknowledge Utilities, Inc. of Florida’s “Quick Take” application to amend Certificate No. 278-W in Seminole County?

Recommendation: Yes. The Commission should acknowledge Utilities, Inc. of Florida’s amendment application to expand its territory. The proposed territory amendment is described in Attachment A of staff’s August 29, 2007, memorandum. 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 approve the application to amend Certificate No. 278-W and 225-S in Seminole County by Utilities, Inc. of Florida?

Recommendation: Yes. The Commission should approve Utilities, Inc. of Florida’s amendment application to expand its territory. The proposed territory amendment is described in Attachment A of staff’s August 29, 2007, memorandum. 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 3: Should this docket be closed?

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

DECISION: This item was deferred.

ITEM NO.

CASE

11**

Docket No. 070326-WS – Application for quick-take amendment of Certificate No. 107-W and 229-S to extend water and wastewater service to certain territory in Pasco County, by Utilities Inc. of Florida.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Argenziano

Staff: ECR: Walden

GCL: Jaeger

Issue 1: Should the Commission acknowledge Utilities, Inc. of Florida’s “Quick Take” application to amend Certificate Nos. 107-W and 229-S?

Recommendation: Yes. The Commission should acknowledge Utilities, Inc. of Florida’s amendment application to expand its territory. The proposed territory amendment is described in Attachment A of staff’s August 29, 2007, memorandum. 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 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

12**PAA

Docket No. 070074-SU – Application for staff-assisted rate case in Okeechobee County by The Vantage Development Corporation.

Critical Date(s): 06/23/08 (15-month effective date – SARC)

Commissioners Assigned: All Commissioners

Prehearing Officer: McMurrin

Staff: ECR: Rendell, Bulecza-Banks, Hudson, Massoudi

GCL: Jaeger

Issue 1: Is the quality of service provided by Vantage Development Corporation considered satisfactory?

Recommendation: Yes. The quality of service provided by Vantage Development Corporation should be considered satisfactory.

DECISION: The recommendation was approved.

Issue 2: What portions of The Vantage Development Corporation system are used and useful?

Recommendation: Both the wastewater treatment plant and wastewater collection systems should be considered 100% used and useful.

DECISION: The recommendation was approved.

Issue 3: What is the appropriate average test year rate base for the utility?

Recommendation: The appropriate average test year rate base for Vantage should be \$168,771.

DECISION: The recommendation was approved.

Issue 4: What are the appropriate rate of return on equity and overall rate of return for this utility?

Recommendation: The appropriate return on equity is 9.07% with a range of 8.07% - 10.07%. The appropriate overall rate of return is 9.07%.

DECISION: The recommendation was approved.

ITEM NO.

CASE

12**PAA

Docket No. 070074-SU – Application for staff-assisted rate case in Okeechobee County by The Vantage Development Corporation.

(Continued from previous page)

Issue 5: What is the appropriate test year revenue?

Recommendation: The appropriate test year revenue for this utility is ~~\$122,976~~108,528 for wastewater.

DECISION: The recommendation was approved with modification, as noted above.

Issue 6: What are the appropriate amount of operating expenses?

Recommendation: The appropriate amount of operating expenses for the utility is \$109,441.

DECISION: The recommendation was approved.

Issue 7: What is the appropriate revenue requirement?

Recommendation: The appropriate revenue requirement is \$124,748 for wastewater.

DECISION: The recommendation was approved.

Issue 8: What is the appropriate rate structure for the utility?

Recommendation: The appropriate rate structure for this utility is a base facility and gallonage charge rate structure.

DECISION: The recommendation was approved.

ITEM NO.

CASE

12**PAA

Docket No. 070074-SU – Application for staff-assisted rate case in Okeechobee County by The Vantage Development Corporation.

(Continued from previous page)

Issue 9: What are the appropriate wastewater rates for the utility?

Recommendation: The appropriate wastewater monthly rates are shown on Schedule No. 4 of staff's August 29, 2007, memorandum. The recommended rates should be designed to produce revenue of \$124,748, excluding miscellaneous service charges. The utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), F.A.C. In addition, the approved rates should not be implemented until staff has approved the proposed customer notice and the notice has been received by the customers. The utility should provide proof of the date notice was given no less than 10 days after the date of the notice.

DECISION: The recommendation was approved.

Issue 10: What is the appropriate amount by which rates should be reduced four years after the established effective date to reflect the removal of the amortized rate case expense as required by Section 367.0816, Florida Statutes?

Recommendation: The wastewater rates should be reduced as shown on Schedule No. 4 of staff's August 29, 2007, memorandum, to remove rate case expense grossed up for regulatory assessment fees and amortized over a four-year period. The decrease in rates should become effective immediately following the expiration of the four-year rate case expense recovery period, pursuant to Section 367.0816, F.S. The utility should be required to file revised tariffs and a proposed customer notice setting forth the lower rates and the reason for the reduction no later than one month prior to the actual date of the required rate reduction. If the utility files this reduction in conjunction with a price index or pass-through rate adjustment, separate data should be filed for the price index and/or pass-through increase or decrease and the reduction in the rates due to the amortized rate case expense.

DECISION: The recommendation was approved.

ITEM NO.

CASE

12**PAA

Docket No. 070074-SU – Application for staff-assisted rate case in Okeechobee County by The Vantage Development Corporation.

(Continued from previous page)

Issue 11: Should the recommended rates be approved for the utility on a temporary basis, subject to refund, in the event of a protest filed by a party other than the utility?

Recommendation: Yes. Pursuant to Section 367.0814(7), Florida Statutes, the recommended rates should be approved for the utility on a temporary basis, subject to refund, in the event of a protest filed by a party other than the utility. Prior to implementation of any temporary rates, the utility should provide appropriate security. If the recommended rates are approved on a temporary basis, the rates collected by the utility shall be subject to the refund provisions discussed in the analysis portion of staff's August 29, 2007, memorandum. In addition, after the increased rates are in effect, pursuant to Rule 25-30.360(6), F.A.C., the utility should file reports with the Commission's Division of Economic Regulation no later than the 20th of each month indicating the monthly and total amount of money subject to refund at the end of the preceding month. The report filed should also indicate the status of the security being used to guarantee repayment of any potential refund.

DECISION: The recommendation was approved.

Issue 12: Should the utility be authorized to collect customer deposits, and if so, what are the appropriate deposits?

Recommendation: The appropriate customer deposits should be as specified in the analysis portion of staff's August 29, 2007, memorandum. The utility should file tariff sheets, which are consistent with the Commission's vote. Staff should be given administrative authority to approve the revised tariff sheets upon staff's verification that the tariffs are consistent with the Commission's decision. If the tariff sheets are filed and approved, the customer deposits should become effective for connections made on or after the stamped approval date on the revised tariff sheets, if no protest is filed.

DECISION: The recommendation was approved.

ITEM NO.

CASE

12**PAA

Docket No. 070074-SU – Application for staff-assisted rate case in Okeechobee County by The Vantage Development Corporation.

(Continued from previous page)

Issue 13: Should this docket be closed?

Recommendation: No. If no person whose substantial interests are affected by the proposed agency action issues files a protest within 21 days of the issuance of the order, a Consummating Order will be issued. However, the docket should remain open for staff's verification that the revised tariff sheets and customer notice have been filed by the utility and approved by staff. When the PAA issues are final and the tariff and notice actions are complete, this docket may be closed administratively.

DECISION: The recommendation was approved.

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

ITEM NO.

CASE

13**

Docket No. 030106-SU – Application for staff-assisted rate case in Lee County by Environmental Protection Systems of Pine Island, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: McMurrian

Staff: ECR: Revell, Bulecza-Banks, Rendell

GCL: Brubaker

Issue 1: Should the Commission approve the Environmental Protection Systems of Pine Island, Inc.'s Revised Settlement Proposal?

Recommendation: Yes. The Revised Proposal filed by Environmental Protection Systems of Pine Island, Inc. should be approved. The utility should be required to refund the percentage reductions set forth in the Settlement Proposal. The refunds should be made within 90 days of the effective date of the Consummating Order finalizing the Order for refunds and include interest as required by Rule 25-30.360(4), Florida Administrative Code (F.A.C.). The utility should be required to submit the proper refund reports, pursuant to Rule 25-30.260(7), F.A.C. The refund should be made to customers of record as of the date of the Consummating Order, pursuant to Rule 25-30.360(3), F.A.C. The utility should treat any unclaimed refunds as CIAC, pursuant to Rule 25-30.360(8), F.A.C. In no instance should the maintenance and administrative costs associated with a refund be borne by the customers. These costs are the responsibility of, and should be borne by the utility.

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1, this docket should remain open for staff's verification that the appropriate refund has been completed. Once these actions are complete, this docket should be closed administratively.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

14

Docket No. 050958-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: Edgar, Carter, McMurrian (for this decision only)

Prehearing Officer: Carter

Staff: GCL: Brown

ECR: Lee, Ballinger, Bulecza-Banks, Colson, Draper, Slemkewicz

Issue 1: Should the Commission grant OPC's Request for Oral Argument?

Recommendation: No. The Commission should deny OPC's request for oral argument on its motion for reconsideration. The issues are thoroughly addressed in the parties' extensive pleadings and oral argument would not aid the Commission in its decision.

Issue 2: Should the Commission deny OPC's Motion for Reconsideration of Order No. PSC-07-0499-FOF-EI?

Recommendation: Yes. The Commission should deny the motion for reconsideration. It does not identify a point of fact or law that was overlooked or which the Commission failed to consider in its order approving the eligibility of TECO's scrubber reliability project costs through the ECRC.

Issue 3: Should this docket be closed?

Recommendation: Yes. This docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Edgar, Carter, McMurrian