

**MINUTES OF April 1, 2003**

**COMMISSION CONFERENCE**

**COMMENCED:** 9:35 a.m.

**ADJOURNED:** 10:00 a.m.

**COMMISSIONERS PARTICIPATING:** Chairman Jaber  
Commissioner Deason  
Commissioner Baez  
Commissioner Bradley  
Commissioner Davidson

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

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1Approval of Minutes

March 4, 2003 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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2\*\*Consent Agenda

PAA A) Applications for certificates to provide interexchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
030210-TI	Line Systems, Inc.
020127-TI	Touch-Tel USA, LLC

PAA B) Requests for exemption from requirement of Rule 25-24.515 (13), F.A.C., that each pay telephone station shall allow incoming calls.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. &amp; LOCATION</u>
030167-TC	BellSouth Public Communications, Inc.	305-324-8618
		305-326-9098
		305-545-8207
		305-326-9839
		305-326-8215
		305-326-9097
		305-326-8918
		Riverside House
		979 NW 1 <sup>st</sup> Street
		Miami
030196-TC	BellSouth Public Communications, Inc.	305-545-9613
		305-324-8725
		305-326-9626
		Riverside House
		968 NW 2 <sup>nd</sup> Street
		Miami
030197-TC	BellSouth Public Communications, Inc.	407-299-9651
		The Groves Mobile Home Community
		6775 Stardust Lane Orlando
030197-TC	BellSouth Public Communications, Inc.	561-582-9138
		Sneakers Bar & Grille
		331 N. Dixie Hwy.
		Lake Worth

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. &amp; LOCATION</u>
030209-TC	BellSouth Public Communications, Inc.	407-851-9919 407-856-8136 407-855-9792 Orange Blossom Shopping Center 4550 S. Orange Blossom Trail Orlando
030230-TC	BellSouth Public Communications, Inc.	954-983-9608 954-983-9432 Town of Pembroke Park 3150 SW 52 <sup>nd</sup> Avenue Pembroke Park
030239-TC	BellSouth Public Communications, Inc.	954-971-9985 954-979-8447 Lester's Diner 4701 Coconut Creek Parkway Margate

RECOMMENDATION: The Commission should approve the action requested in the dockets referenced above and close these dockets.

DECISION: The recommendation was approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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3Docket No. 020507-TL - Complaint of Florida Competitive Carriers Association against BellSouth Telecommunications, Inc. regarding BellSouth's practice of refusing to provide FastAccess Internet Service to customers who receive voice service from a competitive voice provider, and request for expedited relief. (Deferred from March 18, 2003 Commission conference.)

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Baez

Staff: GCL: Christensen  
CMP: Dowds

ISSUE 1: Should the Commission grant the Florida Competitive Carriers Association's Request for Oral Argument?

RECOMMENDATION: Yes. Staff recommends that the Commission grant oral argument. Staff also recommends that each side be limited to a 10-minute presentation.

ISSUE 2: Should the Commission grant the Florida Competitive Carriers Association's Motion for Reconsideration of Order No. PSC-03-0084-PCO-TL?

RECOMMENDATION: No. Staff recommends that the Commission should find that the Florida Competitive Carriers Association has failed to demonstrate that the Prehearing Officer made a mistake of fact or law in rendering his decision. Therefore, staff recommends that the Commission should deny the Florida Competitive Carriers Association's Motion for Reconsideration.

ISSUE 3: Should the Commission grant the Florida Competitive Carriers Association's Motion for Reconsideration of a Portion of Order No. PSC-03-0180-PCO-TL?

RECOMMENDATION: No. For the reasons articulated in Issue 2 and herein, staff recommends that the Commission should deny the Florida Competitive Carriers Association's Motion for Reconsideration of a Portion of Order No. PSC-03-0180-PCO-TL.

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Docket No. 020507-TL - Complaint of Florida Competitive Carriers Association against BellSouth Telecommunications, Inc. regarding BellSouth's practice of refusing to provide FastAccess Internet Service to customers who receive voice service from a competitive voice provider, and request for expedited relief. (Deferred from March 18, 2003 Commission conference.)

(Continued from previous page)

ISSUE 4: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending further proceedings.

DECISION: This item was deferred.

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4\*\*Docket No. 030131-TC - Application for certificate to provide pay telephone service by Holiday Travel Park Co-Op, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

Staff: GCL: McKay, B. Keating  
CMP: Hawkins

ISSUE 1: Should the Commission reconsider its vote at the March 4, 2003, Agenda Conference to grant Holiday Travel Park Co-Op, Inc. a pay telephone certificate and close the docket?

RECOMMENDATION: Yes. The Commission should reconsider its vote, because the underlying request upon which the Commission acted is now moot, and close this Docket upon issuance of an Order resulting from this recommendation.

DECISION: The recommendation was approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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5\*\*PAADocket No. 030117-EU - Joint petition for approval of territorial agreement between Sumter Electric Cooperative, Inc. and Ocala Electric Utility/City of Ocala.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Baez

Staff: GCL: Vining  
ECR: D. Lee

ISSUE 1: Should the Commission approve the joint petition of OEU and SECO for approval of the Agreement?

RECOMMENDATION: Yes. The Agreement between OEU and SECO is in the public interest and should be approved effective the date that the Commission order approving the agreement is final.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no protest is filed, 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 Commission Order approving this agreement, the agreement should remain in effect pending resolution of the protest and the docket should remain open.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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6\*\*PAADocket No. 030134-GU - Joint petition for approval of territorial agreement between Florida Public Utilities Company and City Gas Company of Florida.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Baez

Staff: GCL: Vining  
AUS: Mills  
CMP: Bulecza-Banks, Makin

ISSUE 1: Should the Commission approve the joint petition of FPUC and City Gas for a territorial agreement?

RECOMMENDATION: Yes. The Commission should approve the joint petition for a territorial agreement between FPUC and City Gas. The agreement should become effective the date that the Commission order approving the agreement becomes final.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no protest is filed, 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 Commission Order approving this agreement, the agreement should remain in effect pending resolution of the protest and the docket should remain open.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson



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7\*\*PAADocket No. 020670-GU - Complaint by Tampa Electric Company  
d/b/a Peoples Gas System against Florida Public Utilities  
Company for violation of territorial agreement.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Davidson

Staff: GCL: Brown  
AUS: Mills  
CMP: Bulecza-Banks, Makin

ISSUE 1: Should the Commission approve the joint petition of  
FPUC and PGS for an amended territorial boundary agreement  
and dismiss PGS's complaint?

RECOMMENDATION: Yes. The Commission should approve the  
joint petition and dismiss PGS's complaint. The amended  
agreement should become effective the date of the  
Commission's order approving the agreement.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no protest is filed, 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 Commission  
Order approving this agreement, the agreement should remain  
in effect pending resolution of the protest and the docket  
should remain open.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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8\*\*PAADocket No. 000121A-TP - Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (BELLSOUTH TRACK) (Deferred from March 18, 2003 Commission conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Deason

Staff: CMP: Harvey, Hallenstein, Duffey, Vinson  
GCL: Dodson, B. Keating

ISSUE 1: Should the Commission order BellSouth to implement staff's proposed revisions to the Performance Assessment Plan presented in Attachment 1 of its memorandum dated March 20, 2003?

RECOMMENDATION: Yes. Staff recommends that BellSouth be ordered to implement the proposed changes to the Performance Assessment Plan as reflected in Attachment 1 for implementation within 60 days of the Commission's Proposed Agency Action Order if the changes are not protested. *Staff recommends that the implementation of the penalty for measurement B-10 Percent Billing Errors Corrected in X Days be deferred until conclusion of the Commission proceeding on the remedy structure of the SEEM plan or 120 days, whichever comes first.* Additionally, staff recommends that the Commission, on its own motion, require that an Industry Task Force be established to address the problems encountered in calculating the Service Order Accuracy performance measurement.

ISSUE 2: Should Change Management metrics (CM-6 and CM-11) be modified to clarify Commission intent?

RECOMMENDATION: Yes. Staff recommends that BellSouth be ordered to implement the proposed changes to the Performance Assessment Plan. In addition, BellSouth should be ordered to include in CM-11 any "CLEC affecting" changes and August 2002 data as previously ordered. If the Commission approves staff's recommended changes, staff recommends that BellSouth be required to implement them within 60 days of the

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Docket No. 000121A-TP - Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (BELLSOUTH TRACK) (Deferred from March 18, 2003 Commission conference; revised recommendation filed.)

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Commission's Proposed Agency Action Order, if the changes are not protested.

ISSUE 3: Should the Commission adopt Performance Measures for special access services for BellSouth?

RECOMMENDATION: Yes. Staff recommends that the Commission approve the diagnostic special access measures and benchmarks included in Attachment 3 of its March 20, 2003 memorandum, and that BellSouth be required to implement them within 60 days of the Commission's Proposed Agency Action Order unless protested.

ISSUE 4: Should the Commission approve the BellSouth policy on reposting of performance data and recalculation of SEEM payments?

RECOMMENDATION: No. Staff recommends that BellSouth be ordered to revise its reposting policy to include all SQM measurements and to eliminate the 100-transaction threshold. Additionally, BellSouth should be required to provide the reason for any reposting. If the Commission approves staff's recommended changes, staff recommends that BellSouth be required to implement them within 60 days of the Commission's Proposed Agency Action Order unless protested.

ISSUE 5: Should the Commission provide an implementation date for the revisions to the Performance Assessment Plan required by Order No. PSC-02-1736-PAA-TP, issued December 10, 2002?

RECOMMENDATION: Yes. Staff recommends that the changes required in Order No. PSC-02-1736-PAA-TP should also be implemented within 60 days of the Commission's Proposed Agency Action Order relating to Issues 1 through 4 above, *except where stated otherwise for measure B-10 Percent Billing Errors in X Days.*

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8\*\*PAA

Docket No. 000121A-TP - Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (BELLSOUTH TRACK) (Deferred from March 18, 2003 Commission conference; revised recommendation filed.)

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ISSUE 6: Should this docket be closed?

RECOMMENDATION: No. If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final upon the issuance of a Consummating Order. If no timely protest of the Commission's Proposed Agency Action Order is filed, the approved changes should be implemented within 60 days of the Proposed Agency Action Order. Thereafter, this Docket should remain open to conduct the periodic six-month reviews of the performance assessment plan outlined in Order No. PSC-01-1819-FOF-TP. Any protest of the Commission's decision in this matter should identify with specificity the item or measure being protested, and any such protest should not prevent the remainder of the Order from becoming final and effective.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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9\*\*PAADocket No. 030165-TC - Compliance investigation of  
Sprawlnet.com Inc. d/b/a Public Communications Services for  
apparent violation of 364.183(1), F.S., Access to Company  
Records.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

Staff: CMP: Watts  
AUS: Vandiver  
GCL: Rojas

ISSUE 1: Should the Commission impose a penalty on  
Sprawlnet.com Inc. d/b/a Public Communication Services of  
\$10,000 for apparent violation of Section 364.183(1),  
Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should impose a  
penalty on Sprawlnet.com Inc. d/b/a Public Communication  
Services of \$10,000 for apparent violation of Section  
364.183(1), Florida Statutes. The penalty should be paid to  
the Florida Public Service Commission pursuant to Section  
364.285(1), Florida Statutes. If the Commission's Order is  
not protested and if payment of the penalty is not received  
within 14 calendar days after the issuance of the  
Consummating Order, then Certificate No. 2437 should be  
canceled administratively. If PCS's certificate is canceled  
in accordance with the Commission's Order from this  
recommendation, PCS should be required to immediately cease  
and desist providing pay telephone service in Florida.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation  
will become final 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

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9**PAA	Docket No. 030165-TC - Compliance investigation of Sprawlnet.com Inc. d/b/a Public Communications Services for apparent violation of 364.183(1), F.S., Access to Company Records.

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the issuance of the Proposed Agency Action Order. This docket should then be closed administratively upon either receipt of the payment of the penalty, or upon cancellation of Certificate No. 2437 if the penalty is not paid within fourteen calendar days after issuance of the Consummating Order.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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10\*\*PAADocket No. 021255-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: Full Commission  
Prehearing Officer: Bradley

Staff: ECR: Breman, D. Lee  
GCL: Stern

ISSUE 1: Should the Commission approve TECO's petition for cost recovery of the Bayside Selective Catalytic Reduction Consumables, for the life of the Bayside facility, as a new activity for cost recovery through the ECRC?

RECOMMENDATION: Yes.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed upon issuance of the 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 order.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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11\*\*Docket No. 021191-GU - Petition for approval of new account and treatment of costs associated with right-of-way expenses, by Florida Public Utilities Company. (Deferred from January 21, 2003 Commission conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

Staff: ECR: Brinkley  
GCL: Rodan

ISSUE 1: Should the Commission acknowledge FPUC's withdrawal of its petition for approval of a new account and treatment of costs associated with right-of-way expenses?

RECOMMENDATION: Yes. FPUC's withdrawal divests the Commission of jurisdiction over this matter. The only further action the Commission can take is to acknowledge the withdrawal and close the docket.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson



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12\*\*Docket No. 020382-WS - Application for transfer of facilities and Certificate Nos. 603-W and 519-S in Polk County from New River Ranch, L.C. d/b/a River Ranch to River Ranch Water Management, LLC.  
Docket No. 010812-WS - Initiation of show cause proceedings against New River Ranch L.C. d/b/a River Ranch in Polk County for violation of Rule 25-30.110(3), F.A.C., Annual Report, and Rule 25-30.120, F.A.C., Regulatory Assessment Fees.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Deason (020382)  
Baez (010812)

Staff: ECR: Johnson, Kaproth, Walden  
GCL: Holley

ISSUE 1: Should NRR be ordered to show cause, in writing, within 21 days, why it should not be fined for its apparent violation of Section 367.071(1) Florida Statutes?

RECOMMENDATION: No. A show cause proceeding should not be initiated.

ISSUE 2: Should River Ranch American be ordered to show cause, in writing, within 21 days, why it should not be fined for its apparent violation of transferring its facilities prior to Commission approval pursuant to Section 367.071(1), Florida Statutes, failure to remit its regulatory assessment fees (RAFs) as required by Section 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, and failure to file annual reports as required by Rule 25-30.110(3), Florida Administrative Code?

RECOMMENDATION: No. A show cause proceeding should not be initiated. Staff recommends that the Commission refer the utility's unpaid regulatory assessment fees (RAFs) and associated penalties and interest to the Department of Financial Services for permission to write off the accounts as uncollectible. Staff further recommends that the penalties set according to Rule 25-30.110(6), Florida Administrative Code, for outstanding annual reports should not be assessed, and that River Ranch American should not be

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Docket No. 020382-WS - Application for transfer of facilities and Certificate Nos. 603-W and 519-S in Polk County from New River Ranch, L.C. d/b/a River Ranch to River Ranch Water Management, LLC.

Docket No. 010812-WS - Initiation of show cause proceedings against New River Ranch L.C. d/b/a River Ranch in Polk County for violation of Rule 25-30.110(3), F.A.C., Annual Report, and Rule 25-30.120, F.A.C., Regulatory Assessment Fees.

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required to file the annual reports for the years designated.

ISSUE 3: Should Ocwen Bank be ordered to show cause, in writing, within 21 days, why it should not be fined for its apparent violation of transferring its facilities prior to Commission approval pursuant to Section 367.071(1), Florida Statutes, and its failure to remit regulatory assessment fees (RAFs) as required by Section 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code?

RECOMMENDATION: No. A show cause proceeding should not be initiated. Staff recommends that the Commission refer the utility's unpaid RAFs and associated penalties and interest to the Department of Financial Services for permission to write off the accounts as uncollectible.

ISSUE 4: Should the transfer of the facilities and Certificate Nos. 603-W and 519-S from New River Ranch, L.C. d/b/a River Ranch to River Ranch Water Management, L.L.C. be approved?

RECOMMENDATION: Yes. The transfer of the facilities and Certificate Nos. 603-W and 519-S from New River Ranch, L.C. d/b/a River Ranch to River Ranch Water Management, L.L.C. is in the public interest and should be approved. A description of the territory served by the utility is appended as Attachment A to staff's memorandum dated March 20, 2003.

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Docket No. 020382-WS - Application for transfer of facilities and Certificate Nos. 603-W and 519-S in Polk County from New River Ranch, L.C. d/b/a River Ranch to River Ranch Water Management, LLC.

Docket No. 010812-WS - Initiation of show cause proceedings against New River Ranch L.C. d/b/a River Ranch in Polk County for violation of Rule 25-30.110(3), F.A.C., Annual Report, and Rule 25-30.120, F.A.C., Regulatory Assessment Fees.

(Continued from previous page)

ISSUE 5: Should the rates and charges approved for this utility be continued?

RECOMMENDATION: Yes. RWM should continue charging the rates and charges approved for this utility system until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting the change in ownership should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets.

ISSUE 6: Should these dockets be closed?

RECOMMENDATION: Yes. These dockets should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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13\*\*Docket No. 020761-WU - Request for approval of revisions to water tariff regarding individual metering of multi-family and multi-unit structures by Florida Water Services Corporation.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Bradley

Staff: ECR: Hudson  
GCL: Stern

ISSUE 1: Should Florida Water Services Corporation's proposed tariff revisions for the individual metering of newly constructed multi-family and multi-unit structures be approved?

RECOMMENDATION: No. Florida Water's proposed tariff revisions for the individual metering of newly constructed multi-family and multi-unit structures should not be approved.

ISSUE 2: Should staff conduct a workshop to thoroughly explore the costs and benefits of mandating individual metering of multi-family and multi-unit structures?

RECOMMENDATION: Yes. Staff should conduct a workshop to thoroughly explore the costs and benefits of mandating individual metering of multi-family and multi-unit structures.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: If the Commission accepts staff's recommendation in Issue 1, the proposed change to the tariff should not go into effect during the 21-day noticing period. Likewise, if a protest is filed, the proposed change should not go into effect during the time it takes to resolve the protest. If no protest is filed, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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14\*\*Docket No. 020831-WS - Rescission by Nassau County of Resolution No. 2001-128, which rescinded Florida Public Service Commission jurisdiction over investor-owned water and wastewater systems in Nassau County. (Deferred from March 4, 2003 Commission conference.)

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Bradley

Staff: ECR: Rieger  
GCL: Gervasi

ISSUE 1: Should FPUC's Motion for Extension of Time to File Revised Tariff Sheets be granted?

RECOMMENDATION: Yes. FPUC should be given a 90-day extension of time from the issuance date of the Order arising from this recommendation within which to either file the revised tariff sheets required by Order No. PSC-02-1411-FOF-WS, or to file a transfer application pursuant to Rule 25-30.037(4), Florida Administrative Code, if the sale of its water division to the City of Fernandina Beach is consummated.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open to allow FPUC time to revise its tariff to reflect a revised territory description of its service area or to file a transfer application pursuant to Rule 25-30.037(4), Florida Administrative Code. If FPUC files the revised tariff sheets, upon verification that the tariff sheets comply with Rule 25-30.035(9), Florida Administrative Code, an administrative order should be issued reflecting the revised territory description and closing the docket. If FPUC instead consummates the sale of its water division to the City, this docket should be closed administratively once the transfer application is filed and a new docket should be opened to process the transfer application.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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15Docket No. 010908-EI - Complaint against Florida Power & Light Company regarding placement of power poles and transmission lines by Amy & Jose Gutman, Teresa Badillo, and Jeff Lessera.

Critical Date(s): None

Commissioners Assigned: Jaber, Deason, Baez, Bradley  
Prehearing Officer: Administrative

Staff: GCL: McLean, C. Keating  
AUS: Mills  
CAF: Raspberry

ISSUE 1: Should the Commission grant the petitioners' motion for reconsideration of Order No. PSC-02-1516-FOF-EI?  
RECOMMENDATION: No. The petitioners' motion for reconsideration fails to identify any point of fact or law that the Commission overlooked or failed to consider in rendering Order No. PSC-02-1516-FOF-EI and should therefore be denied.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open to allow the petitioners the opportunity to amend their request for hearing on Part II of the June 10 Order to specifically allege how the Parkland Line is not in compliance with the NESC and why such non-compliance requires relocation of the line. If an amended petition is not filed within 20 days of the Commission's vote on this matter, this docket should be administratively closed.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley

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16Docket No. 990649B-TP - Investigation into pricing of unbundled network elements (Sprint/Verizon track). (Deferred from March 18, 2003 Commission conference.)

Critical Date(s): None

Commissioners Assigned: Jaber, Deason, Baez, Bradley  
Prehearing Officer: Baez

Staff: GCL: B. Keating, Knight  
CMP: T. Brown, Dowds, King  
ECR: P. Lee, Lester

ISSUE 1: Should the Request for Oral Argument filed by AT&T, MCI WorldCom, and FDN be granted?

RECOMMENDATION: Yes. Staff recommends that oral argument be granted, because it appears that it may assist the Commission in rendering its decision in this matter. Staff recommends that oral argument be limited to 10 minutes per side.

ISSUE 2: Should the Commission grant Verizon's Motion for Mandatory Stay Pending Judicial Review?

RECOMMENDATION: No. Staff recommends that the mandatory stay provisions of Rule 25-22.061(1)(a), Florida Administrative Code, pursuant to which Verizon is seeking a mandatory stay, are inapplicable in this situation.

ISSUE 3: Should this Docket be closed?

RECOMMENDATION: No. This Docket should remain open pending resolution of the Motion for Reconsideration and the pending appeal.

DECISION: This item was continued to Wednesday, April 9, 2003, 8:30 a.m.

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17\*\*Docket No. 020919-TP - Request for arbitration concerning complaint of AT&T Communications of the Southern States, LLC, Teleport Communications Group, Inc., and TCG South Florida for enforcement of interconnection agreements with BellSouth Telecommunications, Inc.

Critical Date(s): None

Commissioners Assigned: Deason, Bradley, Davidson

Prehearing Officer: Deason

Staff: CMP: Marsh

GCL: Christensen

ISSUE 3: Should the Commission grant BellSouth's Motion for Partial Summary Final Order on Issue 1(a) and AT&T's Cross Motion for Partial Summary Final Order on Issue 1(a)?

RECOMMENDATION: Yes. Staff recommends that the Commission grant BellSouth's Motion for Partial Summary Final Order and AT&T's Cross Motion for Partial Summary Final Order on Issue 1(a), finding that the terms, conditions, and prices of the Second Agreement apply between BellSouth and AT&T from June 11, 2000, forward, except for the reciprocal compensation rates.

ISSUE 2: Should the Commission grant AT&T's Motion to Strike BellSouth's "Extrinsic" Testimony?

RECOMMENDATION: No. Staff recommends that the Commission deny AT&T's Motion to Strike BellSouth's "Extrinsic" Testimony.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending further proceedings.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Bradley, Davidson



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18\*\*Docket No. 020976-TL - Complaint of Phillip R. Brown against BellSouth Telecommunications, Inc. for billing dispute involving alleged improper installation and static on line.

Critical Date(s): None

Commissioners Assigned: Baez, Bradley, Davidson  
Prehearing Officer: Bradley

Staff: GCL: Dodson  
CAF: Smith  
CMP: Watts

ISSUE 1: Should the Commission acknowledge Phillip R. Brown's Dismissal of his Petition and close this docket?

RECOMMENDATION: Yes. Mr. Brown's voluntary dismissal divests the Commission of jurisdiction over this matter. The only further action the Commission should take is to acknowledge the dismissal. Since no further action remains for the Commission to address, this docket should be closed.

Decision: The recommendation was approved.

Commissioners participating: Baez, Bradley, Davidson

Minutes of  
Commission Conference  
April 1, 2003

<u>ITEM NO.</u>	<u>CASE</u>
19**Docket No.	021249-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for non-compliance with Commission Order PSC-02-0878-FOF-TP.

Critical Date(s): None

Commissioners Assigned: Baez, Bradley, Davidson  
Prehearing Officer: Bradley

Staff: GCL: Taylor, Christensen  
CMP: Dowds, Simmons  
MMS: Ollila

ISSUE 1: Should the Motion to Dismiss filed by BellSouth Telecommunications Inc. be granted on the grounds that the Commission lacks subject matter jurisdiction over allegations made in Supra's Complaint, thus requiring it to relinquish jurisdiction and refrain from any proceedings touching on the subjects set forth in the Complaint?

RECOMMENDATION: BellSouth's Motion to Dismiss should be denied on Issue 1.

ISSUE 2: Should the Commission dismiss Supra's Complaint on the grounds that the facts in Supra's Complaint fail to state a claim upon which relief can be granted?

RECOMMENDATION: BellSouth's Motion to Dismiss should be denied on Issue 2.

ISSUE 3: Should the Commission dismiss Supra's Complaint because, even if it is legally sufficient to state a claim for relief, that claim is not yet "ripe" for adjudication?

RECOMMENDATION: BellSouth's Motion to Dismiss should be denied on Issue 3.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending further negotiations by the parties and a possible evidentiary hearing on this matter.

DECISION: The item was deferred.