

**MINUTES OF April 20, 2010**  
**COMMISSION CONFERENCE**  
**COMMENCED: 9:30 am**  
**RECESSED: 9:31 am**  
**RECONVENED: 11:19 am**  
**ADJOURNED: 12:58 pm**

**COMMISSIONERS PARTICIPATING:** Chairman Argenziano  
Commissioner Edgar  
Commissioner Skop  
Commissioner Klement  
Commissioner Stevens

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

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1\*\*                    **Consent Agenda**

PAA                    A) Applications for certificates to provide competitive local exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
100086-TX	Teleconnect of California, LLC d/b/a Teleconnect LLC
100087-TX	Opextel LLC d/b/a Alodiga

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

**DECISION:** The recommendation was approved.

Commissioners participating: Argenziano, Edgar, Skop, Klement, Stevens

**ITEM NO.**

**CASE**

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2

**Docket No. 090504-TP** – Proposed amendment of Rule 25-4.0665, F.A.C., Lifeline Service.

**Rule Status:** Adoption (Should Not Be Deferred)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Klement

**Staff:** GCL: Gervasi

ECR: Hewitt

RAD: Casey, Williams

**(Participation is Limited to Commissioners and Staff.)**

**Issue 1:** Should the Commission adopt any changes to proposed Rule 25-4.0665, Florida Administrative Code, as a result of questions posed by the Joint Administrative Procedures Committee staff?

**Recommendation:** Yes, the Commission should adopt certain changes to proposed Rule 25-4.0665, Florida Administrative Code, and to the two Lifeline forms referenced in the proposed rule, as set forth in Attachment A of staff's memorandum dated April 8, 2010.

**Issue 2:** Should the Commission adopt the changes to proposed Rule 25-4.0665, Florida Administrative Code, as suggested by the ETCs?

**Recommendation:** The Commission should adopt the proposed rule with one change as suggested by Verizon Wireless, to revise paragraph (18) to include the term "toll control," as set forth in Attachment A of staff's memorandum dated April 8, 2010. The Commission should reject the other changes suggested by the ETCs in their comments.

**Issue 3:** Should proposed Rule 25-4.0665 be filed for adoption with the Secretary of State and the docket be closed?

**Recommendation:** Yes, the rule as approved by the Commission should be filed for adoption with the Secretary of State and the docket should be closed after a Notice of Change is published in the F.A.W.

**DECISION:** The recommendations were approved.

Commissioners participating: Argenziano, Edgar, Skop, Klement, Stevens

**ITEM NO.**

**CASE**

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3\*\*PAA

**Docket No. 090430-TP** – Amended petition for verified emergency injunctive relief and request to restrict or prohibit AT&T from implementing its CLEC OSS-related releases, by Saturn Telecommunication Services, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Argenziano

**Staff:** APA: Harvey, Hallenstein

GCL: Brooks

**Issue 1:** Should the Commission allow AT&T to move forward with the retirement of the LENS OSS ordering interface currently used by CLECs in AT&T's southeast region?

**Recommendation:** Yes. Staff believes that AT&T should be allowed to move forward with the retirement of the LENS interface under the following conditions:

1. AT&T should conduct LEX volume testing in the production environment, or otherwise prove that capacity in the production environment is adequate in the Southeast back-end systems;
2. AT&T should perform a root cause analysis on the reason for the poor flow-through results for the LEX interface and take appropriate corrective action;
3. AT&T should update all appropriate CLEC documentation for commingled orders via the LEX interface; and
4. AT&T, STS, and staff should work together to resolve the specific LEX ordering issues raised by STS in the March 1, 2010 matrix.

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

**Recommendation:** Yes. If the Commission approves staff's recommendation in Issue 1, staff recommends that the docket be closed administratively once AT&T has provided documentation that the conditions identified in issue 1 have been met. Staff further recommends that once staff has verified that AT&T has met the conditions, AT&T may retire LENS after a 14 day notice period. Additionally, the remaining requests in STS' amended petition that were placed in abeyance have either been resolved or rendered moot, upon the Commission's approval of staff's recommendation in Issue 1.

The resulting decision to approve issue 1 and close the docket will be issued as a Proposed Agency Action. The decision will become final upon issuance of a Consummating Order, if no person whose substantial interests are affected timely files a protest within 21 days of the issuance of the Order.

**DECISION:** The recommendations were approved.

Commissioners participating: Argenziano, Edgar, Skop, Klement, Stevens

**ITEM NO.**

**CASE**

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4\*\*

**Docket No. 100133-EI** – Review of Florida Power & Light Company's current allowance for funds used during construction rate.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Slemkewicz, Maurey, Salnova, Springer

GCL: Young

**Issue 1:** Should the Commission initiate a proceeding to revise FPL's current Allowance for Funds Used During Construction rate?

**Recommendation:** Yes. The Commission should initiate a proceeding to revise FPL's current AFUDC rate and require FPL to file the schedules prescribed in Rule 25-6.0141(4), F.A.C., for the period ended March 31, 2010, with an effective date of April 1, 2010. The schedules should include the appropriate rate case adjustments consistent with the determinations reflected in Order No. PSC-10-0153-FOF-EI. The schedules should be filed no later than May 20, 2010.

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

**Recommendation:** No. This docket should remain open pending the review of the required AFUDC filing and the subsequent filing of a recommendation in this docket.

**DECISION:** The recommendations were approved.

Commissioners participating: Argenziano, Edgar, Skop, Klement, Stevens

**ITEM NO.**

**CASE**

5

**Docket No. 090462-WS** – Application for increase in water and wastewater rates in Marion, Orange, Pasco, Pinellas and Seminole Counties by Utilities, Inc. of Florida. (Deferred from the April 6, 2010 Commission Conference, revised recommendation filed.)

**Critical Date(s):** 60-Day Suspension Date Waived by Company to 04/20/10

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Skop

**Staff:** ECR: Wright, Bulecza-Banks, Daniel, Deason, Fletcher, Linn, Rieger, Salnova, Walden

GCL: Young

**(Participation is at the Discretion of the Commission.)**

**Issue 1:** Should the Utility’s proposed final water and wastewater rates be suspended?

**Recommendation:** Yes. UIF’s proposed final water and wastewater rates should be suspended.

**Issue 2:** Should any interim revenue increase be approved?

**Recommendation:** Yes, the Utility should be authorized to collect annual water and wastewater revenues as indicated below:

<u>County</u>	<u>Adjusted Test Year Revenues</u>	<u>Revenue Increase</u>	<u>Revenue Requirement</u>	<u>% Increase</u>
Marion - Water	\$175,128	\$0	\$175,317	0%
Marion - Wastewater	\$38,780	\$13,089	\$51,869	33.75%
Orange – Water	\$97,996	\$18,372	\$116,368	18.75%
Pasco – Water	\$803,213	\$389,701	\$1,192,914	48.52%
Pasco -Wastewater	\$443,502	\$255,936	\$699,438	57.71%
Pinellas – Water	\$99,613	\$35,118	\$134,731	35.25%
Seminole - Water	\$744,946	\$211,868	\$956,813	28.44%
Seminole - Wastewater	\$703,420	\$102,608	\$806,028	14.59%

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**CASE**

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(Continued from previous page)

**Issue 3:** What are the appropriate interim water and wastewater rates?

**Recommendation:** The service rates for UIF in effect as of December 31, 2008, should be increased as shown below to generate the recommended revenue increase for the interim period.

<u>County</u>	<u>Increase</u>
Marion - Water	0%
Marion - Wastewater	33.84%
Orange – Water	19.02%
Pasco – Water	49.08 %
Pasco – Wastewater	57.76%
Pinellas – Water	35.43%
Seminole – Water	28.80%
Seminole - Wastewater	14.61%

The rates, as shown on Schedules No. 4-A and 4-B of staff’s memorandum dated April 8, 2010, 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., provided the customers have received notice. The rates should not be implemented until the required security has been filed and proper notice has been received by the customers. The Utility should provide proof to staff of the date notice was given within 10 days after the date of the notice.

**Issue 4:** What is the appropriate security to guarantee the interim increase?

**Recommendation:** A corporate undertaking is acceptable contingent upon receipt of the written guarantee of the parent company, Utilities, Inc. (UI), and written confirmation of UI’s continued attestation that it does not have any outstanding guarantees on behalf of UI-owned utilities in other states. UI should be required to file a corporate undertaking on behalf of its subsidiaries to guarantee any potential refunds of revenues collected under interim conditions. UI’s maximum amount of revenue that needs to be protected is \$599,271 subject to refund in this docket. 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**

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(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: Argenziano, Edgar, Skop, Klement, Stevens

**ITEM NO.**

**CASE**

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6\*\*PAA

**Docket No. 080121-WS** – Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** ECR: Daniel, Fletcher, Rieger, Stallcup, Williams

GCL: Jaeger

RAD: King

SSC: Hicks

**Issue 1:** Should the Phase II Monitoring Plan proposed by AUF and OPC be approved?

**Recommendation:** Yes, the plan proposed by AUF and OPC outlines an efficient, cost-effective means of monitoring the quality of service of AUF and should be approved. In addition, staff recommends that the Phase II Monitoring Plan should address environmental compliance and a further evaluation of the customer billing samples.

**DECISION:** The recommendation was approved as amended by staff and with the addition of proposed paragraph, to be included in the order, relating to Chuluota regarding continued monitoring, as discussed at the Commission Conference.

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

**Recommendation:** No. If no person whose substantial interests are affected by the proposed agency action files a protest within twenty-one days of the issuance of the Order, a Consummating Order will be issued. However, the docket should remain open pending the outcome of the Phase II Monitoring Plan. In addition, the docket should remain open contingent on the DEP not issuing any further consent orders regarding the Woods water and wastewater systems within 18 months of the Final Order, issued on May 29, 2009.

**DECISION:** The recommendation was approved.

Commissioners participating: Argenziano, Edgar, Skop, Klement, Stevens