

MINUTES OF AUGUST 5, 2003

COMMISSION CONFERENCE

COMMENCED: 9:35 a.m.

ADJOURNED: 10:30 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 (**).

- 1 Approval of Minutes
 June 30, 2003 Special Commission Conference
 July 1, 2003 Regular Commission Conference
 July 9, 2003 Special Commission Conference

DECISION: The minutes were approved.

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

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ITEM NO. CASE

2** Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
030530-TX	Saluda Networks Incorporated
030531-TX	Azul Tel, Inc.
030532-TX	International Telnet, Inc.
030599-TX	ONS-Telecom, LLC
030574-TX	Camarato Distributing, Inc. d/b/a Nex-Phon
030479-TX	Baldwin County Internet/DSSI Service, L.L.C.

PAA B) Application for certificate to provide pay telephone service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
030591-TC	The Raymond F. Kravis Center for the Performing Arts, Inc.

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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ITEM NO.

CASE

3**PAA

Docket No. 030461-EI - Joint petition of Florida Power & Light Company and Progress Energy Florida, Inc. for approval of amendment to territorial agreement to modify territorial boundary line in two areas of Volusia County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: GCL: Rodan
ECR: Breman, Windham

ISSUE 1: Should the Commission grant the joint petition of FPL and PEFI to amend their territorial boundaries?

RECOMMENDATION: Yes. The amended territorial agreement should become effective the date of the Commission's consummating order approving the amendment.

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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<u>ITEM NO.</u>	<u>CASE</u>
4**	<p>Docket No. 030449-WS - Disposition of delinquent regulatory assessment fees for Hunter Creek Utilities, LLC in Charlotte County.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: GCL: Fleming CCA: Moore ECR: Kaproth</p> <p><u>ISSUE 1</u>: Should Hunter Creek Utilities, LLC be ordered to show cause, in writing, within 21 days why it should not be fined for failure to remit its regulatory assessment fees as required by Section 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code?</p> <p><u>RECOMMENDATION</u>: No. A show cause proceeding should not be initiated. Staff further recommends that the Commission refer the utility's unpaid regulatory assessment fees and associated penalties and interest to the Department of Financial Services for permission to write off the accounts as uncollectible.</p> <p><u>ISSUE 2</u>: Should this docket be closed?</p> <p><u>RECOMMENDATION</u>: Yes. Because no further action is necessary, this docket should be closed.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
5**	<p>Docket No. 030041-TX - Application for certificate to provide alternative local exchange telecommunications service by FeroNetworks, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: GCL: McKay CMP: Williams</p> <p><u>ISSUE 1</u>: Should Order No. PSC-03-0693-PAA-TX, which granted FeroNetworks, Inc. ALEC Certificate No. 8347, be vacated? <u>RECOMMENDATION</u>: Yes. The Commission should vacate Order No. PSC-03-0693-PAA-TX.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. This docket should be closed upon the issuance of the Commission's vacating Order.</p>

DECISION: The recommendations were approved.

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

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CASE

6**PAA

Docket No. 030428-TX - Application for certificate to provide competitive local exchange telecommunications service by Universal Beepers Express, Inc. d/b/a Universal Wireless.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: McCoy
GCL: Rojas

ISSUE 1: Should the Commission grant Universal Beepers Express, Inc. d/b/a Universal Wireless, a certificate to provide competitive local exchange telecommunications service within the State of Florida as provided by Section 364.337(1), Florida Statutes?

RECOMMENDATION: Yes. Universal Beepers Express, Inc. d/b/a Universal Wireless should be granted Florida Public Service Commission Certificate No. 8383.

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: Jaber, Deason, Baez, Bradley, Davidson

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CASE

7**PAA

Docket No. 030483-TI - Joint application for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., for transfer of partial customer base from The Free Network, L.L.C. (Holder of IXC Certificate No. 7090) to Lightyear Communications Inc. (holder of IXC Certificate No. 3500).

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Williams
GCL: Harris

ISSUE 1: Should the Commission approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of long distance customers from The Free Network, L.L.C. to Lightyear Communications, Inc.?

RECOMMENDATION: Yes.

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: Jaber, Deason, Baez, Bradley, Davidson

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<u>ITEM NO.</u>	<u>CASE</u>
8**PAA	<p>Docket No. 030510-TI - Request by Network US, Inc. d/b/a CA Affinity for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., for transfer of long distance customers from Universal Broadband Communications, Inc. d/b/a Business Savings Plan.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Williams GCL: Dodson</p> <p><u>ISSUE 1</u>: Should the Commission approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of long distance customers from Universal Broadband Communications, Inc. d/b/a Business Savings Plan to Network US, Inc. d/b/a CA Affinity? <u>RECOMMENDATION</u>: Yes.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: 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.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
9**PAA	<p>Docket No. 030513-TP - Request by Essex Acquisition Corporation for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., for transfer of local and long distance customers from NOW Communications, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Williams GCL: Rojas</p> <p><u>ISSUE 1</u>: Should the Commission approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of local and long distance customers from NOW Communications, Inc. to Essex Acquisition Corporation d/b/a VeraNet Solutions (VeraNet)? <u>RECOMMENDATION</u>: Yes.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: 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.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson</p>

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<u>ITEM NO.</u>	<u>CASE</u>
10**PAA	<p>Docket No. 021228-WS - Application for staff-assisted rate case in Brevard County by Service Management Systems, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Bradley</p> <p>Staff: ECR: Sargent, Davis, Fitch, Hudson, Lingo GCL: Jaeger</p> <p><u>ISSUE 3:</u> Is the quality of service provided by Service Management Systems, Inc. considered satisfactory?</p> <p><u>RECOMMENDATION:</u> The quality of service provided by Service Management Systems, Inc. should be considered unsatisfactory until the utility upgrades the fire-flow/irrigation pumping plant, distribution system, hydrants, and associated record keeping in accordance with the "Code" requirements of the National Fire Protection Association (NFPA) codebook. The utility should be granted 180 days from the Consummating Order to meet the NFPA requirements, and to show a better attempt to address customer satisfaction. A newsletter should accompany each utility bill for the next six months with a copy mailed to staff that informs customers of progress made concerning complaints, repairs, upgrades, and if utility service will be impacted by new growth in the community. This newsletter should also include a correct address that will insure all correspondence reaches the utility manager's desk, along with a phone number that will guarantee a response by the utility.</p> <p><u>ISSUE 2:</u> What portions of Service Management Systems, Inc. are used and useful?</p> <p><u>RECOMMENDATION:</u> The Service Management Systems, Inc. water treatment plant is considered to be 29.7%, the water distribution system is considered 62.6%, the wastewater treatment plant is considered to be 55.9%, and the wastewater collection system is considered 65.4% used and useful. The non-potable water plant is considered 53.5% except for the high service pumps required by Brevard County which are considered 100% used and useful. The non-potable water distribution system is considered 100% used and useful.</p>

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10**PAA

Docket No. 021228-WS - Application for staff-assisted rate case in Brevard County by Service Management Systems, Inc.

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

RECOMMENDATION: The appropriate average test year rate base for this utility is \$456,364 for water and \$141,970 for wastewater. The utility should be required to complete the pro forma high service pump installation and common area irrigation meters installation within 180 days from the date of the Consummating Order. The utility should also be required to continue to maintain separate records associated with the non-potable system.

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

RECOMMENDATION: The appropriate rate of return on equity is 9.94% with a range of 8.94% - 10.94%. The appropriate overall rate of return for the utility is 8.94%.

ISSUE 5: What are the appropriate test year revenues?

RECOMMENDATION: The appropriate test year revenues for this utility are \$195,470 for water and \$95,937 for wastewater.

ISSUE 6: What is the appropriate amount of operating expense?

RECOMMENDATION: The appropriate amount of operating expense for this utility is \$182,534 for water and \$91,336 for wastewater.

ISSUE 7: What are the appropriate revenue requirements?

RECOMMENDATION: The appropriate revenue requirements for water and wastewater are \$223,333 and \$104,028, respectively.

ISSUE 8: What are the appropriate amounts of common water system revenue requirement line items (cost of service) allocable to the potable and nonpotable water systems, respectively?

RECOMMENDATION: The appropriate amount of common water system cost of service elements allocable to the potable system is \$45,735, and the corresponding amount allocable to the nonpotable system is \$19,021.

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Docket No. 021228-WS - Application for staff-assisted rate case in Brevard County by Service Management Systems, Inc.

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ISSUE 9: Is a continuation of the utility's current base facility charge (BFC)/gallonge charge rate structure appropriate for this utility?

RECOMMENDATION: Yes. A continuation of the utility's current BFC/gallonge charge rate structure is appropriate for this utility. A conservation adjustment of 26.76% should be made such that the final BFC remains at the current rate of \$16.88, with the entire water system revenue requirement increase allocated to the gallonge charge.

ISSUE 10: Is an adjustment to reflect repression of consumption due to the price changes appropriate in this case, and, if so, what is the appropriate repression adjustment?

RECOMMENDATION: No. A repression adjustment is not appropriate in this case.

ISSUE 11: What is the appropriate rate structure and rate for nonpotable water service?

RECOMMENDATION: The appropriate rate structure for nonpotable water service is a continuation of the gallonge-charge only rate structure, and the appropriate rate is \$0.69 per one thousand gallons (kgal).

ISSUE 12: What are the appropriate rates for each system?

RECOMMENDATION: The rates should be designed to produce revenue of \$223,333 for water and \$104,028 for wastewater excluding miscellaneous service charges, as shown in the analysis portion of staff's July 24, 2003 memorandum. 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), Florida Administrative Code. The rates should not be implemented until staff has approved the proposed customer notice, the notice has been received by the customers, and staff has verified that the tariffs are consistent with the Commission's decision. The utility should provide proof of the date notice was given no less than 10 days after the date of the notice.

ISSUE 13: What is the appropriate amount by which rates should be reduced four years after the established effective

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date to reflect the removal of the amortized rate case expense as required by Section 367.0816, Florida Statutes? RECOMMENDATION: The water and wastewater rates should be reduced as shown on Schedule 4 of staff's July 24, 2003 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, Florida Statutes. 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.

ISSUE 14: What are the appropriate customer deposits for this utility?

RECOMMENDATION: The appropriate customer deposits should be as specified in the analysis portion of staff's July 24, 2003 memorandum. The utility should file revised tariff sheets and proposed notice which are consistent with the Commission's vote. The customer deposits should become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed and provided customers have been noticed.

ISSUE 15: Should the utility's service availability charges be revised?

RECOMMENDATION: Yes. The utility's existing system capacity charge should be discontinued and the utility's service availability charges should be revised to reflect a plant capacity charge of \$780 for water and a main extension charge of \$500 for water and \$635 for wastewater. The utility should file revised tariff sheets and proposed

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notice which are consistent with the Commission's vote. The service availability charges should become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed and provided that customers have been noticed.

ISSUE 16: 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 the appropriate security as described in the analysis portion of staff's July 24, 2003 memorandum. If the recommended rates are approved on a temporary basis, the rates collected by the utility should be subject to the refund provisions discussed in the staff analysis. In addition, after the increased rates are in effect, pursuant to Rule 25-30.360(7), Florida Administrative Code, the utility should file reports with the Division of Commission Clerk and Administrative Services no later than 20 days after each monthly billing. These reports should indicate the amount of revenue collected under the increased rates subject to refund.

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<u>ITEM NO.</u>	<u>CASE</u>
10**PAA	Docket No. 021228-WS - Application for staff-assisted rate case in Brevard County by Service Management Systems, Inc. (Continued from previous page) <u>ISSUE 17</u> : Should the docket be closed? <u>RECOMMENDATION</u> : No. If no timely protest is received upon expiration of the protest period, the PAA Order will become final upon the issuance of a Consummating Order. However, this docket should remain open for an additional 180 days after the Consummating Order to allow staff time to verify the utility has completed the pro forma fire service pump replacement and common area irrigation meter installations. Upon verification of the above by staff, the docket may be administratively closed. <u>DECISION</u> : This item was deferred.

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<u>ITEM NO.</u>	<u>CASE</u>
11**	<p>Docket No. 030517-SU - Application for approval of new rate for bulk wastewater service agreement with City of Cape Coral in Lee County, by North Fort Myers Utility, Inc.</p> <p>Critical Date(s): 8/9/03 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: ECR: Revell, Merchant GCL: C. Keating</p> <p><u>ISSUE 1</u>: Should the utility's proposed tariff for a bulk wastewater service agreement be suspended? <u>RECOMMENDATION</u>: Yes. The utility's proposed tariff for a bulk wastewater service agreement should be suspended pending further investigation by staff. This docket should remain open pending the Commission's final action on the utility's requested tariff.</p> <p><u>DECISION</u>: The recommendation was approved.</p> <p>Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson</p>

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ITEM NO.

CASE

12**

Docket No. 030644-SU - Emergency application for amendment of Certificate No. 422-S to extend wastewater service area to Seagull Townhouses in Gulf County, by ESAD Enterprises, Inc. d/b/a Beaches Sewer System.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Davidson

Staff: ECR: Rieger
GCL: Jaeger

ISSUE 1: Should the Commission authorize an interim, emergency connection by the utility to Seagull?

RECOMMENDATION: Yes. The Commission should authorize an interim, emergency connection by the utility to Seagull. The utility should charge Seagull its rates and charges as referred to in its tariff. The utility should be required to file an application for a quick-take amendment of its certificate to include Seagull in its territory within twenty days of the Commission order.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open to process a subsequent amendment application to amend the utility's territory.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
13	<p>Docket No. 990649B-TP - Investigation into pricing of unbundled network elements (Sprint/Verizon track).</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Jaber, Deason, Baez, Bradley Prehearing Officer: Baez</p> <p>Staff: GCL: Christensen CMP: Dowds</p> <p><u>ISSUE 1</u>: Should the Commission entertain oral argument on this matter? <u>RECOMMENDATION</u>: No. The parties have not requested oral argument. Moreover, staff recommends that the issue before the Commission is fully set forth in the parties' pleadings and additional oral argument is not likely to lend any further clarity to the issue being addressed.</p> <p><u>ISSUE 2</u>: During the June 17th Agenda Conference, did the Commission violate either of Sections 286.012 or 350.01(5), Florida Statutes? <u>RECOMMENDATION</u>: No. Staff recommends that the Commission find that Section 350.051(5), Florida Statutes, permits only those Commissioners who personally participated in the final disposition on the merits to participate in the reconsideration of a motion for reconsideration on the same matter. Staff further recommends the Commission find that since Commissioner Davidson was not eligible to vote pursuant to Section 350.01(5), Florida Statutes, there was no statutory violation of either Section 286.012 or Section 350.01(5), Florida Statutes.</p> <p><u>ISSUE 3</u>: Should the Commission, based on FDN and KMC's "suggestion for a new hearing" in its pleading, reconsider its decision and order a new hearing, or upon its own motion, reconsider its decision regarding Zone 1? <u>RECOMMENDATION</u>: No. Staff recommends that since FDN and KMC's pleading is merely a thinly-veiled, unauthorized motion for reconsideration of a decision on reconsideration, the Commission should deny FDN and KMC's requested relief. Moreover, consistent with staff's recommendation on Issue 2, the Commission should grant in part Sprint's Motion to</p>

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<u>ITEM NO.</u>	<u>CASE</u>
13	Docket No. 990649B-TP - Investigation into pricing of unbundled network elements (Sprint/Verizon track). (Continued from previous page) Strike regarding FDN and KMC's "suggestion for a new hearing." <u>ISSUE 4</u> : Should this docket be closed? <u>RECOMMENDATION</u> : Staff recommends that this portion of the docket remain open until the expiration of the appeals period. Should no appeal be taken on the Sprint portion of this docket, staff recommends that staff should be granted administrative authority to close the Sprint portion of this docket.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley

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<u>ITEM NO.</u>	<u>CASE</u>
14	<p>Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Jaber, Baez Prehearing Officer: Baez</p> <p>Staff: ECR: Fletcher, Merchant GCL: Jaeger, Holley</p> <p><u>ISSUE 5</u>: Should the Commission grant a partial release of escrowed funds to the utility? <u>RECOMMENDATION</u>: Yes. The partial release of \$328,209 should be released to Aloha. Consistent with the Final Order, the utility should prospectively deposit 4.87% of any revenues collected under the interim rate structure.</p> <p><u>ISSUE 6</u>: Should this docket be closed? <u>RECOMMENDATION</u>: No. This docket should remain open until staff has verified that the utility has made the required interim refunds pursuant to the Final Order. Once staff has verified that the refunds have been made, the remaining funds in the escrow account may be released, and the escrow account and this docket should be closed.</p> <p><u>DECISION</u>: This item was deferred.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
15**	<p>Docket No. 020999-TX - Complaint of Mel Citron against Supra Telecommunications and Information Systems, Inc. regarding quality of service.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Deason, Baez, Davidson Prehearing Officer: Davidson</p> <p>Staff: GCL: Banks CAF: Plescow CMP: McDonald</p> <p><u>ISSUE 1</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. Staff recommends that this docket be closed as no further Commission action is required.</p> <p><u>DECISION</u>: The recommendation was approved.</p> <p>Commissioners participating: Deason, Baez, Davidson</p>

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<u>ITEM NO.</u>	<u>CASE</u>
16**	<p>Docket No. 030349-TP - Complaint by Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. regarding BellSouth's alleged use of carrier to carrier information.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Deason, Bradley, Davidson Prehearing Officer: Deason</p> <p>Staff: GCL: Dodson, Harris CMP: Casey, Bulecza-Banks, Ileri, Hallenstein, Broussard, Gilchrist</p> <p><u>ISSUE 1</u>: Should the Commission grant BellSouth's Partial Motion to Dismiss Supra's Amended Petition? <u>RECOMMENDATION</u>: The Commission should grant in part, and deny in part, BellSouth Telecommunications, Inc.'s (BellSouth) Partial Motion to Dismiss. To the extent that Supra asks the Commission to remedy BellSouth's alleged violations of 47 U.S.C. Section 222(b), the motion should be granted. However, to the extent that Supra's petition asks the Commission to impose applicable penalties for any anti-competitive impacts resulting from alleged violations of that provision, the Partial Motion to Dismiss should be denied.</p> <p><u>DECISION</u>: No ruling was made on the Motion to Dismiss. At the conclusion of the hearing the parties will have an opportunity to brief the Commission on this issue.</p> <p><u>ISSUE 2</u>: Should Docket No. 030349-TP be closed? <u>RECOMMENDATION</u>: No. If staff's recommendation in Issue 1 is approved, Docket No. 030349-TP should remain open pending final disposition by the Commission.</p> <p><u>DECISION</u>: No vote was made on this issue.</p> <p>Commissioners participating: Deason, Bradley, Davidson</p>

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<u>ITEM NO.</u>	<u>CASE</u>
17	<p>Docket No. 010795-TP - Petition by Sprint Communications Company Limited Partnership for arbitration with Verizon Florida Inc. pursuant to Section 251/252 of the Telecommunications Act of 1996.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Baez, Bradley Prehearing Officer: Baez</p> <p>Staff: CMP: Barrett GCL: Teitzman</p> <p><u>ISSUE 1</u>: Should the Commission approve the arbitrated Interconnection Agreement between Verizon and Sprint in Docket No. 010795-TP? <u>RECOMMENDATION</u>: Yes. The Commission should approve the arbitrated Interconnection Agreement between Verizon and Sprint in Docket No. 010795-TP.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. If the Commission approves staff's recommendation in Issue 1, no further action will be required in this docket. Therefore, this docket may be closed.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Baez, Bradley</p>