

MINUTES OF
COMMISSION CONFERENCE, TUESDAY, AUGUST 15, 2000
COMMENCED: 9:30 a.m.
ADJOURNED: 12:35 p.m.

COMMISSIONERS PRESENT: Chairman Deason
Commissioner Jacobs
Commissioner Jaber

1Approval of Minutes
July 11, 2000 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Deason, Jacobs, Jaber

2Consent Agenda

- A) Applications for certificates to provide pay telephone service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
000943-TC	PayStar Communications, Inc.
000944-TC	Jay Lane

- B) Applications for certificates to provide alternative local exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
000599-TX	State Discount Telephone, L.L.C.
000714-TX	C2C Fiber of Florida, Inc.
000689-TX	VortalConnect.COM, Inc.

- C) Applications for certificates to provide interexchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
000642-TI	KMC Telecom V, Inc.
000627-TI	COMTECH 21, LLC

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
000520-TI	WorkNet Communications Inc.
000672-TI	JirehCom, Inc.
000660-TI	Radio Communications Corporation d/b/a RCC Radio Communications Corporation
D) DOCKET NO. 000776-TX - Application for approval of transfer of and name change on existing ALEC Certificate No. 5636 from Express Title Financial Corporation d/b/a Express Loans to Express Phone Service, Inc.	
E) Requests for approval of resale agreements.	
Docket No. 000679-TP	- BellSouth Telecommunications, Inc. with Tower Communications, Inc. d/b/a United Southern Telecom. (Critical Date: 8/30/00)
Docket No. 000680-TP	- BellSouth Telecommunications, Inc. with MY-TEL INC. (Critical Date: 8/30/00)
Docket No. 000681-TP	- BellSouth Telecommunications, Inc. with NuStar Communications Corp. (Critical Date: 8/30/00)
Docket No. 000682-TP	- BellSouth Telecommunications, Inc. with Ganoco, Inc. d/b/a American Dial Tone. (Critical Date: 8/31/00)
Docket No. 000701-TP	- Sprint-Florida, Incorporated with GS Communications, Inc. d/b/a Beep'n Talk. (Critical Date: 09/07/00)
F) Docket No.000700-TP	-Petition by Sprint-Florida, Incorporated for approval of interconnection agreement with AT&T Wireless Services, Inc. (Critical Date: 09/07/00)

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G) Docket No.000702-TP -Petition by Sprint-Florida, Incorporated for approval of interconnection, unbundling, and resale agreement with MGC Communications, Inc. d/b/a Mpower Communications Corp.
(Critical Date: 09/07/00)

H) Requests for approval of interconnection, unbundling, resale, and collocation agreements.

Docket No.000670-TP - BellSouth Telecommunications, Inc. with Florida Consolidated Multi-Media Services, Inc.
(Critical Date: 08/29/00)

Docket No.000708-TP - BellSouth Telecommunications, Inc. with collocation agreement with MVX.COM Communications, Inc.
(Critical Date: 09/10/00)

Docket No.000712-TP - BellSouth Telecommunications, Inc. with Ernest Communications, Inc.
(Critical Date: 09/11/00)

I) Requests for approval of amendments to interconnection, unbundling, and resale agreements.

Docket No. 000666-TP - BellSouth Telecommunications, Inc. with MCImetro Access Transmission Services LLC.
(Critical Date: 08/29/00)

Docket No. 000667-TP - BellSouth Telecommunications, Inc. with New Edge Network, Inc. d/b/a New Edge Networks.
(Critical Date: 08/29/00)

Docket No. 000668-TP - BellSouth Telecommunications, Inc. with Network Telephone Corporation.
(Critical Date: 08/29/00)

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Docket No. 000669-TP - BellSouth Telecommunications, Inc.
with UniversalCom, Inc.
(Critical Date: 08/29/00)

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

DECISION: The recommendation was approved.

Commissioners participating: Deason, Jacobs, Jaber

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CASE

3DOCKET NO. 000502-GU - Petition for approval of special contract with Max-Pak Corporation by Tampa Electric Company d/b/a Peoples Gas System.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Brown, Bulecza-Banks, Makin
ECR: L. Romig
LEG: C. Keating

Issue 1: Should the Commission clarify its vote from the June 20, 2000, Agenda Conference, concerning the request of Peoples Gas Company to modify its existing CIS and CTS tariffs to reduce the consumption threshold in the tariffs from 500,000 therms per year to 100,000 therms per year?

Recommendation: Yes. The Commission should clarify its vote: (1) to approve the modification of Peoples' CIS and CTS tariffs to reduce the consumption threshold in the tariffs from 500,000 therms per year to 100,000 therms per year; and (2) to authorize staff to administratively approve the modified tariff sheets.

Issue 2: Should this docket be closed?

Recommendation: Yes, if no protest is filed within 21 days of the issuance of the order.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber

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4DOCKET NO. 000229-TX - Initiation of show cause proceedings against Burno Inc. d/b/a Integra Paging for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Caldwell
CMP: M. Watts

Issue 1: Should the Commission accept the settlement offer proposed by Burno Inc. d/b/a Integra Paging to resolve the apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

Recommendation: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within twenty business days from the issuance date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285 (1), Florida Statutes. If the company fails to pay in accordance with the terms of the settlement offer, the company's certificate should be canceled, and this docket should be closed.

Issue 2: Should this docket be closed?

Recommendation: No. With the approval of Issue 1, this docket should remain open pending the remittance of the \$3,500 settlement payment. Upon remittance of the settlement payment, this docket should be closed. If the company fails to pay in accordance with the terms of the settlement offer, the company's certificate should be canceled, and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber

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5DOCKET NO. 990861-TL - Complaint of Calvin "Bill" Wood
against GTE Florida Incorporated regarding service.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer DS

Staff: LEG: B. Keating
CMP: Lewis

Issue 1: Should the ALJ's Recommended Order be adopted as
the Commission's Final Order?

Recommendation: Yes.

Issue 2: Should this Docket be closed?

Recommendation: Yes.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber

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6DOCKET NO. 000475-TP - Complaint by BellSouth
Telecommunications, Inc. against Thrifty Call, Inc.
regarding practices in the reporting of percent interstate
usage for compensation for jurisdictional access services.
(Deferred from the 8/1/00 Commission Conference and revised
recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JC

Staff: LEG: Vaccaro
CMP: Simmons
RGO: Vandiver

Issue 1: Should the Commission grant BellSouth
Telecommunications, Inc.'s Motion for Leave to File
Supplemental Authority?

Recommendation: Yes. The Commission should grant BellSouth
Telecommunications, Inc.'s Motion for Leave to File
Supplemental Authority.

Issue 2: Should the Commission grant Thrifty Call, Inc.'s
Motion to Dismiss or, in the Alternative, to Stay?

Recommendation: No. The Commission should deny Thrifty
Call, Inc.'s Motion to Dismiss or, in the Alternative, to
Stay.

Issue 3: Should this docket be closed?

Recommendation: No. If the Commission approves staff's
recommendation in Issue 2, this docket should remain open
pending resolution of BellSouth's complaint.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber

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7DOCKET NO. 000499-TI - Application for certificate to provide interexchange telecommunications service by VCOM.COM Corporation.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: RGO: McCoy
LEG: Banks

Issue 1: Should the Commission rescind its approval of an ALEC certificate for VCOM.COM Corporation and approve VCOM.COM's application for a certificate to provide interexchange telecommunications service?

Recommendation: Yes. The Commission should rescind its approval of an ALEC certificate for VCOM.COM Corporation and approve the company's application for a certificate to provide interexchange telecommunications service.

Issue 2: Should this docket be closed?

Recommendation: Yes. Whether the Commission approves or denies staff's recommendation in Issue 1, this docket should be closed upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's proposed action files a protest within 21 days of the issuance of the proposed agency action order.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber

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8DOCKET NO. 991779-EI - Review of the appropriate application of incentives to wholesale power sales by investor-owned electric utilities. (Deferred from 8/1/00 Commission Conference.)

Critical Date(s): None

Hearing Date(s): 5/1/00, Prehrg., Talla., CL
5/10/00, Tall., GR DS CL JC JB

Commissioners Assigned: Full Commission
Prehrg Officer - Pending

Staff: SER: Harlow, Bohrmann
LEG: C. Keating

Issue 1: Should the Commission eliminate the 20 percent shareholder incentive set forth in Order No. 12923, issued January 24, 1984, in Docket No. 830001-EU-B?

Recommendation: Yes. The shareholder incentive should be eliminated because: 1) the objectives of Order No. 12923 have been met; 2) many factors which affect the magnitude of non-separated sales are outside a utility's control; 3) utilities have expanded the application of Order No. 12923 without prior Commission approval; and, 4) the incentive may be duplicative of the Generating Performance Incentive Factor.

DECISION: The recommendation was denied.

Issue 2: If the Commission decides to maintain the 20 percent shareholder incentive in Issue 1 or approves a new incentive, what types of non-separated, non-firm, wholesale sales should be eligible to receive the shareholder incentive?

Recommendation: If staff's recommendation in Issue 1 is approved, this issue is moot. If staff's recommendation in Issue 1 is denied, at a minimum the Commission should clarify Order No. 12923 to state that only Schedules C and X are eligible for a shareholder incentive. If the Commission

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DOCKET NO. 991779-EI - Review of the appropriate application of incentives to wholesale power sales by investor-owned electric utilities. (Deferred from 8/1/00 Commission Conference.)

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decides to expand the current shareholder incentive, then the incentive should apply to all non-separated sales with the exclusion of emergency sales.

DECISION: The recommendation was approved with the clarification that incentives are to provide maximum benefit to ratepayers and apply to all non-separated sales with the exception of emergency sales.

Issue 3: If the Commission decides to maintain the 20 percent shareholder incentive in Issue 1 or approves a new incentive, how should the incentive be structured?

Primary Recommendation: If staff's recommendation in Issue 1 is approved, this issue is moot. If the Commission decides to expand the current incentive, a three-year moving average of the gains on the types of sales approved in Issue 2 should be used to set a threshold for the incentive. Gains made above this threshold should be split 80/20 between ratepayers and shareholders, respectively, from the date of a final Commission order.

DECISION: The recommendation was approved. (See decision on Issue 2.)

Alternative Recommendation: If staff's recommendation in Issue 1 is approved, this issue is moot. If the Commission decides to expand the current incentive in Issue 2, the Commission should allocate the gain on the eligible sales on a 95/5 percent basis between the ratepayers and shareholders, respectively, from the date of a final Commission order.

DECISION: The alternative recommendation was denied.

Issue 4: How should the gains on non-separated sales discussed in Issues 2 and 3 be calculated?

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8	<p>DOCKET NO. 991779-EI - Review of the appropriate application of incentives to wholesale power sales by investor-owned electric utilities. (Deferred from 8/1/00 Commission Conference.)</p> <p>(Continued from previous page)</p> <p><u>Recommendation</u>: Total gains should be the transaction price less fuel, O&M, SO₂, transmission, and capacity charges.</p> <p><u>DECISION</u>: The recommendation was approved.</p> <p><u>Issue 5</u>: Should this docket be closed?</p> <p><u>Recommendation</u>: The docket should be closed after the time for filing an appeal on Issues 1, 2, and 3 has run or upon issuance of a consummating order on Issue 4, whichever occurs later.</p> <p><u>DECISION</u>: The recommendation was approved.</p> <p>Commissioners participating: Deason, Jacobs, Jaber</p>

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8ADOCKET NO. 001048-EQ - Petition by Cargill Fertilizer, Inc.
to engage in a pilot project for self service wheeling to,
from, and between points within Tampa Electric Company's
service area.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer - Pending

Staff: SER: Haff, Harlow, Bohrmann, Breman
LEG: Hart

Issue 1: Should the Commission approve a petition by
Cargill Fertilizer, Inc. for approval of a pilot program for
self-service wheeling within Tampa Electric Company's (TECO)
service territory?

Recommendation: Yes. The Commission should approve
Cargill's request on an experimental basis for a period of
two years or until TECO's next full revenue requirements
rate case, whichever comes first. TECO should be required
to provide the Commission staff with quarterly reports that
identify the costs and revenues associated with this
experimental program. The Commission may revisit the
approval of this experiment at any time if there appears to
be an adverse financial or reliability impact to TECO's
ratepayers.

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: Deason, Jacobs, Jaber

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9DOCKET NO. 990691-TP - Petition of ICG Telecom Group, Inc.
for arbitration of unresolved issues in interconnection
negotiations with BellSouth Telecommunications, Inc.

Critical Date(s): None

Hearing Date(s): 9/21/99, Talla., Prehrg., CL
10/7/99, Talla., DS CL JC

Commissioners Assigned: DS JC
Prehrg Officer - Pending

Staff: CMP: Hinton
LEG: Fordham

Issue 1: Should the Commission approve the interconnection
agreement between BellSouth and ICG?

Recommendation: Yes, the Commission should approve the
interconnection agreement between BellSouth and ICG.

Issue 2: Should the two Unopposed Motions for Extension of
Time filed by ICG be granted?

Recommendation: Yes. The two Unopposed Motions for
Extension of Time filed by ICG should be granted. Staff
recommends that the Order on this Recommendation also
reflect the granting of the ICG Motion to Strike.

Issue 3: Should this docket be closed?

Recommendation: Yes. Docket No. 990691-TP should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs

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10DOCKET NO. 981008-TP - Request for arbitration concerning complaint of American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. against BellSouth Telecommunications, Inc. regarding reciprocal compensation for traffic terminated to internet service providers.

Critical Date(s): None

Hearing Date(s): 1/6/99, Talla., Prehrg., JC
1/20/99, Talla., JN JC

Commissioners Assigned: DS JC
Prehrg Officer JC

Staff: LEG: B. Keating
CMP: Simmons, Ileri

Issue 1: Should BellSouth's Motion for Withdrawal of Petition on Proposed Agency Action be granted?

Recommendation: Yes. Staff recommends that the Motion be granted, that the PAA portions of Order No. PSC-99-0658-FOF-TP be rendered final as of the date of the Commission's decision on this recommendation, and that this Docket be closed.

DECISION: The recommendation was approved.

Commissioners participating: Deason, Jacobs

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11DOCKET NO. 000003-GU - Purchased gas adjustment (PGA) true-up.

Critical Date(s): None

Commissioners Assigned: JC JB
Prehrg Officer JB

Staff: CMP: Makin, Bulecza-Banks
LEG: C. Keating

Issue 1: Should the Commission grant Peoples Gas System's (Peoples or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 55.097 cents per therm to 65.764 cents per therm?

Recommendation: Yes. The Commission should approve Peoples' proposed PGA cap of 65.764 cents per therm effective August 31, 2000, through the December 31, 2000 billing cycles.

Issue 2: Should this docket be closed?

Recommendation: No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber

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12DOCKET NO. 991947-TP - Petition by BellSouth
Telecommunications, Inc. for Section 252(b) arbitration
seeking resolution of certain issues arising in negotiation
of resale agreement with Florida Telephone Services, LLC.

Critical Date(s): None (Parties have agreed to waive the
statutory time limit.)

Hearing Date(s): 4/26/00, Talla., Prehrg., JC
5/17/00, Talla., CL JC JB

Commissioners Assigned: JC JB
Prehrg Officer JC

Staff: CMP: Dowds
LEG: B. Keating

Issue 1: What are the appropriate rates to be charged by
BellSouth for Florida Telephone Services' access to and use
of the electronic and manual interfaces to BellSouth's OSS
and functions?

Recommendation: No OSS cost recovery charges should be
established in this proceeding. The determination of the
appropriate charges that BellSouth may impose for OSS cost
recovery should be dealt with in a generic proceeding.

Issue 2: Should this docket be closed?

Recommendation: The docket should be closed after the time
for filing an appeal has run.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber

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12ADOCKET NO. 991946-TP - Request for arbitration concerning complaint of ITC^DeltaCom Communications, Inc. against BellSouth Telecommunications, Inc. for breach of interconnection terms, and request for immediate relief. (Deferred from the 8/1/00 Commission Conference. Revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: JC JB
Prehrg Officer JC

Staff: LEG: Caldwell
CMP: Marsh

Issue 1: Should the Commission grant ITC^DeltaCom's Motion for Summary Final Order?

Recommendation: Yes. Staff recommends that the Commission grant ITC^DeltaCom's Motion for Final Summary Order.

Issue 2: Is the prevailing party entitled to attorney's fees under the agreement?

Recommendation: Yes. The interconnection agreement provides that the prevailing parties are entitled to receive attorney's fees. Thus, if the Commission approves staff's recommendation in Issue 1, DeltaCom would be entitled to attorney's fees.

Issue 3: Should this docket be closed?

Recommendation: Yes, if the Commission approved staff's recommendation on Issues 1 and 2, no further action by the Commission is necessary, therefore, the docket should be closed.

DECISION: The recommendations were approved.

The Commissioners reconsidered its decision to allow parties to participate.

Commissioners participating: Jacobs, Jaber

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<u>ITEM NO.</u>	<u>CASE</u>
13DOCKET NO. 000442-EI	- Petition for determination of need for the Osprey Energy Center by Calpine Construction Finance Company, L.P.
	Critical Date(s): None
	Commissioners Assigned: JC JB Prehrg Officer JB
	Staff: SER: Harlow LEG: Elias, Isaac
	<u>Issue 1</u> : Should the Commission hold Docket No. 000442-EI in abeyance pending the Florida Supreme Court's final decision regarding <u>Tampa Electric Co., et al. v. Garcia, et al.</u> , Case Nos. SC95444, SC95445, SC95446? <u>Recommendation</u> : Yes. The petition for need determination in Docket No. 000442-EI should be held in abeyance until a final decision has been issued by the Florida Supreme Court in <u>Tampa Electric v. Garcia</u> .
	<u>Issue 2</u> : Should this docket be closed? <u>Recommendation</u> : No. This docket should remain open until a final decision is reached by the Florida Supreme Court in <u>Tampa Electric v. Garcia</u> .

DECISION: This item was deferred to a later Commission Conference.

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