

**MINUTES OF DECEMBER 6, 2005**

**COMMISSION CONFERENCE**

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

**ADJOURNED:** 11:35 a.m.

**COMMISSIONERS PARTICIPATING:** Chairman Bradley  
Commissioner Deason  
Commissioner Edgar  
Commissioner Arriaga

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

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**1 Approval of Minutes**

November 1, 2005 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga

ITEM NO.

CASE

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**2\*\*Consent Agenda**

PAA

- A) Application for certificate to provide competitive local exchange telecommunications service.

DOCKET NO.

COMPANY NAME

050808-TX

Sprint Long Distance, Inc.

- B) Docket No. 050844-EI - Application of Progress Energy Florida, Inc. ("Company") for authority to issue and sell securities during the twelve months ending December 31, 2006. The maximum principal amount of equity securities, long-term debt securities and other long-term obligations proposed to be issued, sold, or otherwise incurred during 2006 is \$1.5 billion. The maximum principal amount of short-term securities and obligations proposed to be issued, sold, or otherwise incurred during 2006 and 2007 is \$1 billion outstanding at any time.

In connection with this application, the Company confirms that the capital raised pursuant to this application will be used in connection with the activities of Progress Energy Florida, Inc. and not the unregulated activities of its affiliates.

For monitoring purposes, this docket should remain open until April 27, 2007 to allow the Company time to file the required Consummation Report.

**Recommendation:** The Commission should approve the action requested in the dockets referenced above and close these dockets, with the exception of Docket No. 050844-EI which must remain open for monitoring purposes.

DECISION: The recommendation was approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga

ITEM NO.

CASE

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**3Docket No. 050551-TP** - Joint application for approval of transfer of control of Sprint-Florida, Incorporated, holder of ILEC Certificate No. 22, and Sprint Payphone Services, Inc., holder of PATS Certificate No. 3822, from Sprint Nextel Corporation to LTD Holding Company, and for acknowledgment of transfer of control of Sprint Long Distance, Inc., holder of IXC Registration No. TK001, from Sprint Nextel Corporation to LTD Holding Company.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** GCL: Scott  
CMP: Curry

**Issue 1:** Should the Commission grant the Communications Workers of America's (CWA) Request for Oral Argument?

**Recommendation:** No. Staff recommends that oral argument be denied.

**Issue 2:** Should the Commission grant Sprint's Motion to Dismiss CWA's Petition for a Formal Administrative Hearing protesting Order No. PSC-05-0985-PAA-TP?

**Recommendation:** Yes. CWA has failed to adequately allege standing to proceed in this matter. Therefore, the petition should be dismissed and Order No. PSC-05-0985-PAA-TP should be reinstated as a final order.

**Issue 3:** Should this Docket be closed?

**Recommendation:** Yes. If the Commission approves staff's recommendation in Issue 2, this Docket should be closed.

**DECISION:** This item was deferred to the 12/20/05 conference to allow staff to further review the transfer information, specifically the assets and liabilities to be transferred, and, if necessary, to provide options in its recommendation. Staff's recommendation in Issue 1 was denied and oral argument was allowed.

ITEM NO.

CASE

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4\*\*PAA **Docket No. 050483-TX** - Petition for designation as eligible telecommunications carrier (ETC) by Budget Phone, Inc.

**Critical Date(s):** None (120-day requirement for a Commission vote waived)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Bradley

**Staff:** CMP: Maduro, Mann, Casey, Bulecza-Banks  
GCL: Susac

**Issue 1:** Should Budget be granted ETC status in the State of Florida?

**Recommendation:** Yes. Staff recommends that Budget be granted ETC status in the Verizon and BellSouth wire centers (Shown in Attachment A of staff's November 22, 2005 memorandum). However, Budget should not be granted ETC status in Sprint's service area. Budget should be required, at the time of annual ETC recertification, to demonstrate how it has used the universal service funds within Florida. Budget should also be required to adhere to the new certification and reporting requirements as detailed in the analysis portion of staff's November 22, 2005 memorandum.

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

**Recommendation:** Yes. If no person whose substantial interests are affected files a protest to the Commission's Proposed Agency Action within 21 days of the issuance of the Commission Order, this docket should be closed upon issuance of a consummating order.

**DECISION:** The recommendation in Issue 1 was approved with the modification that Budget be granted ETC status in Sprint's nonrural areas contingent upon having a signed agreement with Sprint. Issue 2 was approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga

ITEM NO.

CASE

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5\*\*PAA Docket No. 050802-TX - Application for certificate to provide competitive local exchange telecommunications service by Inter-Tel NetSolutions, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: McCoy  
GCL: McKay

**Issue 1:** Should the Commission accept the settlement offer proposed by Inter-Tel NetSolutions, Inc., and grant Inter-Tel NetSolutions, Inc. Certificate No. 8610 to operate as a competitive local exchange telecommunications company in Florida as provided by Section 364.337(1), Florida Statutes?

**Recommendation:** Yes. The Commission should accept the settlement offer proposed by Inter-Tel NetSolutions, Inc., and grant Inter-Tel NetSolutions, Inc. Certificate No. 8610 to operate as a competitive local exchange telecommunications company in Florida.

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

**Recommendation:** The Order issued from this recommendation will become final and effective, and CLEC Certificate No. 8610 will become active upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. Payment of the voluntary contribution should be made to the Florida Public Service Commission within 30 days after the issuance of the Proposed Agency Action Order, identified by docket number, and subsequently deposited in the General Revenue Fund. This docket should be closed administratively upon receipt of the payment of the voluntary contribution.

**DECISION:** The recommendations were approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga

ITEM NO.

CASE

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6\*\*PAA Docket No. 050790-TI - Acknowledgment of cancellation of IXC Registration No. TI370 by Transcommunications, Incorporated, effective December 31, 2005.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** CMP: Isler  
GCL: McKay

**Issue 1:** Should the Commission deny Transcommunications, Incorporated's request for acknowledgment of cancellation and instead cancel the company's tariff and remove IXC Registration No. TI370 from the register on the Commission's own motion with an effective date of December 31, 2005?

**Recommendation:** Yes. The Commission should deny the company's request for acknowledgment of cancellation and instead cancel the company's tariff and remove IXC Registration No. TI370 from the register effective December 31, 2005.

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

**Recommendation:** Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company fails to pay the Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's tariff should be cancelled administratively, its name removed from the register, and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. If the company's tariff is cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's tariff and removal from the register.

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6\*\*PAA

Docket No. 050790-TI - Acknowledgment of cancellation of IXC Registration No. TI370 by Transcommunications, Incorporated, effective December 31, 2005.

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DECISION: The recommendations were approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga

ITEM NO.

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7\*\*PAACompliance investigations for apparent violation of Section 364.336, F.S.

**Docket No. 050705-TI** - Blackstone Communications Company  
**Docket No. 050706-TI** - First Communications, LLC  
**Docket No. 050707-TI** - JirehCom, Inc.  
**Docket No. 050708-TI** - DanCris Telecom, L.L.C.  
**Docket No. 050709-TI** - DSL Telecom, Inc.  
**Docket No. 050713-TI** - Telstar International, Inc. d/b/a Telstar USA, Inc.  
**Docket No. 050714-TI** - Global Dialtone, Inc.  
**Docket No. 050715-TI** - VCV Communications, Inc.  
**Docket No. 050716-TI** - BAK Communications, LLC  
**Docket No. 050717-TI** - WorldTeq Corporation  
**Docket No. 050718-TI** - Nextelcom Corp.  
**Docket No. 050719-TI** - NACS Communications, Inc. d/b/a Texcom U.S.A.  
**Docket No. 050720-TI** - JF Technology Enterprises, Ltd., Corp.  
**Docket No. 050721-TI** - North American Telephone Network, L.L.C.  
**Docket No. 050725-TI** - Intelecall Communications, Inc.  
**Docket No. 050726-TI** - Global Communications Consulting Corp.  
**Docket No. 050727-TI** - 1 Com, Inc. d/b/a 1 Com South, Inc.  
**Docket No. 050728-TI** - Communicate Technological Systems, LLC  
**Docket No. 050729-TI** - Vanilla Inc.  
**Docket No. 050730-TI** - ORCA TELECOM, INC  
**Docket No. 050731-TI** - Exergy Group, LLC  
**Docket No. 050732-TI** - Smart Tech Services, Inc. d/b/a Smartel  
**Docket No. 050733-TI** - American Communications, L.L.C.  
**Docket No. 050741-TI** - Fox Communications Corporation  
**Docket No. 050742-TI** - Saluda Networks Incorporated  
**Docket No. 050743-TI** - AS Systems Technology, Corp.  
**Docket No. 050745-TI** - MWMS Corporation  
**Docket No. 050746-TI** - Worldnet Communications, Inc. d/b/a Worldnet  
Communications of New York, Inc.  
**Docket No. 050747-TI** - Fonotel Communications, Inc.  
**Docket No. 050748-TI** - Eurocom Telecommunications, LLC  
**Docket No. 050749-TI** - Intelligent Switch Services, LLC  
**Docket No. 050750-TI** - Westchester Telecom, Inc.  
**Docket No. 050755-TI** - U.S. Telecom Group, Inc.  
**Docket No. 050756-TI** - BW Consulting, L.L.C.  
**Docket No. 050757-TI** - Centrix Telecom, LLC  
**Docket No. 050758-TI** - Kanec (USA), Inc.  
**Docket No. 050759-TI** - TCS Communication Solutions, LLC  
**Docket No. 050760-TI** - Professional Teleservices, Inc.



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7\*\*PAA

Compliance investigations for apparent violation of Section 364.336, F.S.

(Continued from previous page)

**Docket No. 050761-TI** - Empire Technology, Inc.  
**Docket No. 050762-TI** - NCS Carriers, Inc.  
**Docket No. 050763-TI** - Digizip.com, Inc.  
**Docket No. 050764-TI** - Exacta Communications Inc.  
**Docket No. 050780-TI** - A & A System Technology Corp.  
**Docket No. 050781-TI** - Fortuna Global Services, Inc.  
**Docket No. 050782-TI** - MLC Tel Corp.  
**Docket No. 050783-TI** - Ringsouth Telecom, Corp  
**Docket No. 050784-TI** - Focus International Telecom, LLC d/b/a US Connect  
**Docket No. 050785-TI** - DG-TEC, LLC  
**Docket No. 050786-TI** - CCD Communications, Inc.  
**Docket No. 050787-TI** - Skytel US, Inc.  
**Docket No. 050788-TI** - Pan American Telecom, L.L.C.  
**Docket No. 050789-TI** - Digital Telecommunications, LLC  
**Docket No. 050793-TI** - Poltel, LLC  
**Docket No. 050794-TI** - United Telecommunication Services, Inc.  
**Docket No. 050795-TI** - CTC Trading LLC  
**Docket No. 050797-TI** - Onlinetelcard.com Corp.  
**Docket No. 050798-TI** - Empire One Telecommunications, Incorporated  
**Docket No. 050799-TI** - Fusion Telekom, Inc.  
**Docket No. 050800-TI** - The NTI Corporation d/b/a Chase Communications

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar (050705 through 050733)  
Administrative (050741 through 050800)

**Staff:** CMP: Isler  
GCL: Scott

**Issue 1:** Should the Commission impose a penalty and a cost of collection, together totaling \$500, or cancel the Intrastate Interexchange Carrier's (IXC) tariff and remove from the register each company identified in Attachment A of staff's November 22, 2005 memorandum, with an effective date of December 31, 2005, for an apparent first violation of Section 364.336, Florida Statutes?

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7\*\*PAA

Compliance investigations for apparent violation of Section 364.336, F.S.

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**Recommendation:** Yes. The companies listed in Attachment A of staff's memorandum should be penalized \$500 or have their tariffs and registrations cancelled for nonpayment of the 2004 Regulatory Assessment Fee.

**Issue 2:** Should these dockets be closed?

**Recommendation:** Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If any company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If any company fails to pay the penalty and cost of collection, together totaling \$500, and Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's tariff should be cancelled administratively, its name removed from the register, and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. If any company's tariff is cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. These dockets should be closed administratively either upon receipt of the payment of the penalty and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's tariff and removal from the register.

**DECISION:** The recommendations were approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga

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8\*\*PAA Docket No. 050704-TI - Compliance investigation of Discount Utilities, LLC, IXC  
Registration No. TJ070, for apparent violation of Section 364.336, F.S.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** CMP: Isler  
GCL: Teitzman

**Issue 1:** Should the Commission impose a penalty and a cost of collection, together totaling \$1,000, or cancel Discount Utilities, LLC's intrastate interexchange telecommunications company's (IXC) tariff and remove from the register with an effective date of December 31, 2005, for an apparent second violation of Section 364.336, Florida Statutes?

**Recommendation:** Yes. The company should be penalized \$1,000 or have its IXC tariff cancelled and its name removed from the register for nonpayment of the 2004 Regulatory Assessment Fee.

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

**Recommendation:** Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company fails to pay the penalty and cost of collection, together totaling \$1,000, and Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's IXC tariff should be cancelled and its name removed from the register administratively and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. If the company's tariff is cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the penalty and cost of collection, and Regulatory Assessment Fees,

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8\*\*PAA

Docket No. 050704-TI - Compliance investigation of Discount Utilities, LLC, IXC  
Registration No. TJ070, for apparent violation of Section 364.336, F.S.

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including statutory late payment charges, or upon cancellation of the company's IXC  
tariff and removal of its name from the register.

DECISION: The recommendations were approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga

ITEM NO.

CASE

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9\*\*PAADocket No. 050702-TI - Compliance investigation of QAI, Inc. d/b/a Long Distance Billing, IXC Registration No. TI469, for apparent violation of Section 364.336, F.S.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** CMP: Isler  
GCL: Fordham

**Issue 1:** Should the Commission cancel QAI, Inc. d/b/a Long Distance Billing's intrastate interexchange telecommunications company (IXC) tariff and Registration No. TI469 with an effective date of December 31, 2005, and require the company to immediately cease and desist providing intrastate interexchange telecommunications service in Florida, for an apparent fourth violation of Section 364.336, Florida Statutes?

**Recommendation:** Yes. The company's IXC tariff should be cancelled and its name removed from the register for nonpayment of the 2004 Regulatory Assessment Fee for a fourth offense.

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

**Recommendation:** Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company's tariff and registration are cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. If the company fails to pay the Regulatory Assessment Fee, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the collection of the past due Regulatory Assessment Fee, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. This docket should be closed administratively upon cancellation of the company's tariff and registration.

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9\*\*PAA

Docket No. 050702-TI - Compliance investigation of QAI, Inc. d/b/a Long Distance Billing, IXC Registration No. TI469, for apparent violation of Section 364.336, F.S.

(Continued from previous page)

DECISION: The recommendations were approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga

ITEM NO.

CASE

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10\*\*PAA Docket No. **050710-TI** - Compliance investigation of Summit Telco, L.L.C., IXC  
Registration No. TJ469, for apparent violation of Section 364.336, F.S.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Edgar

**Staff:** CMP: Isler  
GCL: Fordham

**Issue 1:** Should the Commission cancel Summit Telco, L.L.C.'s intrastate interexchange telecommunications company (IXC) tariff and Registration No. TJ469 with an effective date of December 31, 2005, and require the company to immediately cease and desist providing intrastate interexchange telecommunications service in Florida, for an apparent third violation of Section 364.336, Florida Statutes?

**Recommendation:** Yes. The company's IXC tariff should be cancelled and its name removed from the register for nonpayment of the 2004 Regulatory Assessment Fee for a third offense.

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

**Recommendation:** Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company's tariff and registration are cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida. If the company fails to pay the Regulatory Assessment Fee, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the collection of the past due Regulatory Assessment Fee, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. This docket should be closed administratively upon cancellation of the company's tariff and registration.

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10\*\*PAA

Docket No. 050710-TI - Compliance investigation of Summit Telco, L.L.C., IXC  
Registration No. TJ469, for apparent violation of Section 364.336, F.S.

(Continued from previous page)

DECISION: The recommendations were approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga



ITEM NO.

CASE

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11\*\*PAADocket No. 050601-EU - Petition for variance or waiver from individual metering requirements of Rule 25-6.049(5)(a), F.A.C., by Fontainebleau Florida Tower 3, LLC d/b/a Fontainebleau III Ocean Club.

**Critical Date(s):** 12/11/05 (statutory deadline)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Deason

**Staff:** ECR: Baxter  
GCL: C. Keating

**Issue 1:** Should the Commission grant Fontainebleau's request for waiver of the requirements of Rule 25-6.049(5)(a), Florida Administrative Code?

**Recommendation:** Yes. Staff recommends that the requested rule waiver be granted, provided that: (1) Ocean Club allocates the cost of electricity to the individual condominium unit owners using a reasonable apportionment method, as required by Rule 25-6.049(6)(a), Florida Administrative Code; (2) the waiver is effective only so long as the condominium is operated and licensed as a transient occupancy facility; and (3) all or substantially all of the units are operated on a transient basis. At such time the condominium is no longer so operated and licensed, Ocean Club must immediately inform Florida Power & Light Company (FPL), at which time FPL will install individual meters on the occupancy units. In the event such a conversion to individual metering is required, Ocean Club will be solely responsible for the cost of such conversion.

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

**Recommendation:** Yes. 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: Bradley, Deason, Edgar, Arriaga

ITEM NO.

CASE

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12\*\***Docket No. 050803-SU** - Request for approval of new class of service for bulk wastewater service in Lee County by Forest Utilities, Inc.

**Critical Date(s):** 12/12/05 (60-day suspension date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Hudson  
GCL: Gervasi

**Issue 1:** Should Forest Utilities, Inc.'s request for a new class of service for bulk wastewater service be approved?

**Recommendation:** Yes. Forest's request for a new class of service for bulk wastewater service should be approved. The utility should be allowed to charge \$3.14 per 1,000 gallons. The utility's Original Sheet No. 17.1 should be approved as filed. The utility should file a proposed customer notice to reflect the Commission-approved rate. The approved rate should be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475(1), Florida Administrative Code, provided that the notice has been approved by staff. Within 10 days of the date the order is final, the utility should be required to provide notice of the tariff to all customers. The utility should provide proof that the customers have received notice within 10 days after the date the notice was sent.

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

**Recommendation:** Yes. If Issue 1 is approved, the tariff sheet will become effective on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475, Florida Administrative Code. If a protest is filed within 21 days of the issuance date of the Order, the tariff should remain in effect with all increased charges held subject to refund pending resolution of the protest, and the docket should remain open. If no timely protest is filed, the docket should be closed upon the issuance of a Consummating Order.

**DECISION:** The recommendations were approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga

ITEM NO.

CASE

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13\*\***Docket No. 050819-WU** - Request to establish new class of service for RV park in Lee County, by Tamiami Village Water Company, Inc.

**Critical Date(s):** 12/17/05 (60-day suspension date)

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** ECR: Joyce, Rendell

GCL: Jaeger

**Issue 1:** Should Tamiami's proposed tariff change for the RV park be suspended?

**Recommendation:** Yes. Tamiami's proposed tariff change for the RV park should be suspended.

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

**Recommendation:** No. The docket should remain open pending the Commission's final action on the utility's requested new rate schedule.

**DECISION:** The recommendations were approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga

ITEM NO.

CASE

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14\*\***Docket No. 050271-WU** - Notice of abandonment of water system in Polk County by  
The Colinas Group, Inc.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Bradley

**Staff:** ECR: Redemann, Kaproth, Rieger  
GCL: Gervasi

**Issue 1:** Should the Commission acknowledge the abandonment of the utility system by CGI and the appointment of Polk County as interim successor receiver, and cancel Certificate No. 624-W?

**Recommendation:** Yes. The Commission should acknowledge the abandonment of the utility system by CGI and the appointment of Polk County as interim successor receiver. Moreover, consistent with Section 367.165(3), Florida Statutes, Certificate No. 624-W should be cancelled effective September 1, 2005.

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

**Recommendation:** Yes. Because no further action is necessary, the docket should be closed.

**DECISION:** The recommendations were approved.

Commissioners participating: Bradley, Deason, Edgar, Arriaga