

MINUTES OF
COMMISSION CONFERENCE DECEMBER 17, 2001

COMMENCED: 9:30 a.m.
ADJOURNED: 11:30 a.m.

COMMENCED: 12:20 p.m.
ADJOURNED: 1:30 p.m.

COMMISSIONERS PARTICIPATING: Chairman Jacobs
Commissioner Deason
Commissioner Jaber
Commissioner Baez
Commissioner Palecki

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

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- 1 Approval of Minutes
 November 6, 2001 Regular Commission Conference
 November 7, 2001 Special Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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 Commission Conference
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<u>ITEM NO.</u>	<u>CASE</u>																
2**	Consent Agenda																
PAA	A) Applications for certificates to provide alternative local exchange telecommunications service.																
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>DOCKET NO.</u></th> <th style="text-align: left;"><u>COMPANY NAME</u></th> </tr> </thead> <tbody> <tr> <td>011342-TX</td> <td>TotalCom America Corporation</td> </tr> <tr> <td>011582-TX</td> <td>LightWave Communications, LLC</td> </tr> <tr> <td>011385-TX</td> <td>D-Tel, Inc.</td> </tr> <tr> <td>011218-TX</td> <td>Dominion Telecom, Inc.</td> </tr> <tr> <td>011205-TX</td> <td>Dialtone Telecom, LLC</td> </tr> <tr> <td>011600-TX</td> <td>City of Daytona Beach</td> </tr> <tr> <td>011617-TX</td> <td>Time Warner Cable Information Services (Florida), LLC d/b/a Time Warner Cable Information Services d/b/a Time Warner Cable d/b/a Time Warner Communications</td> </tr> </tbody> </table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	011342-TX	TotalCom America Corporation	011582-TX	LightWave Communications, LLC	011385-TX	D-Tel, Inc.	011218-TX	Dominion Telecom, Inc.	011205-TX	Dialtone Telecom, LLC	011600-TX	City of Daytona Beach	011617-TX	Time Warner Cable Information Services (Florida), LLC d/b/a Time Warner Cable Information Services d/b/a Time Warner Cable d/b/a Time Warner Communications
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<u>ITEM NO.</u>	<u>CASE</u>		
2**	Consent Agenda		
	(Continued from previous page)		
PAA	C) Application for certificate to provide pay telephone service.		
	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	
	011607-TC	City of Tavares	
PAA	D) DOCKET NO. 011347-TC - Request for cancellation of Pay Telephone Certificate No. 5853 by CHAI Enterprises, Inc. and application for certificate to provide pay telephone service by Chai Enterprises, Inc.		
PAA	E) Requests for exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls.		
	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
	011498-TC	BellSouth Public Communications, Inc.	904-805-8785 904-724-9982 904-724-9815 904-724-9942 Regency Square Mall 9501 Arlington Expwy. Jacksonville
	011511-TC	LoneStar Telcom, Inc.	954-523-1292 954-523-1434 Andrews Avenue Shell 1144 S. Andrews Ave. Fort Lauderdale

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2** Consent Agenda

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
011512-TC	LoneStar Telcom, Inc.	954-396-4987 954-537-6074 Dixie Shell & Car Wash 3091 N. Dixie Hwy. Fort Lauderdale
011583-TC	BellSouth Public Communications, Inc.	954-726-9159 Plum Harbor Pool 5975 S. Golden Beauty Tamarac
		954-724-8239 Plum Bay Pool 9710 S. Grand Duke Cir Tamarac

PAA F) DOCKET NO. 011601-TP - Notification of pro forma intracorporate restructuring of Grande Communications Network, Inc. (holder of ALEC Certificate No. 7514 and IX Certificate No. 7727).

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

DECISION: The recommendation was approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
3**	<p>Docket No. 011495-WS - Proposed adoption of Rule 25-30.4705, F.A.C., Calculation of Rate Reduction After Rate Case Expens is Amortized.</p> <p>Critical Date(s): None</p> <p>Rule Status: Proposed</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Palecki</p> <p>Staff: APP: Cibula ECR: Hewitt, Willis LEG: Harris</p> <p><u>ISSUE 1</u>: Should the Commission propose the adoption of Rule 25-30.4705, Florida Administrative Code, titled Calculation of Rate Reduction After Rate Case Expense is Amortized, which sets forth the methodology used to remove rate case expense from rates after the four-year amortization period expires, as required by Section 367.0816, Florida Statutes? <u>RECOMMENDATION</u>: Yes. The Commission should propose the adoption of Rule 25-30.4705, Florida Administrative Code.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. If no requests for hearing or comments are filed, the rule as proposed should be filed for adoption with the Secretary of State and the docket should be closed.</p> <p><u>DECISION</u>: The recommendations were approved with the clarification the mention of "other cost increases" will not be included in the order.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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<u>ITEM NO.</u>	<u>CASE</u>
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4** Docket No. 010982-EU - Proposed Rule 25-6.065, F.A.C.,
Interconnection of Small Photovoltaic Systems.

Critical Date(s): None

Rule Status: Adoption

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: APP: Moore
 ECR: Hewitt
 PAI: Dean
 SER: Colson

ISSUE 1: Should the Commission adopt changes to Rule 25-6.065, Florida Administrative Code, Interconnection of Small Photovoltaic Systems?

RECOMMENDATION: Yes. The Commission should adopt a change to the rule to clarify what costs must be borne by the utility.

ISSUE 2: Should the rule as approved by the Commission be filed for adoption with the Secretary of State and the docket be closed?

RECOMMENDATION: Yes. The rule should be filed for adoption after the changes are published in the Florida Administrative Weekly.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

ITEM NO.

CASE

5**

Docket No. 010409-TP - Petition by Citizens of State of Florida for investigation of Talk America Inc. and its affiliate, The Other Phone Company, Inc. d/b/a Access One Communications, for willful violation of Rule 25-4.118, F.A.C.

Docket No. 010564-TX - Investigation of possible violation of Commission Rules 25-4.118 and 25-24.110, F.A.C., or Chapter 364, F.S., by The Other Phone Company, Inc. d/b/a Access One Communications, holder of ALEC Certificate No. 4099, and Talk America Inc, holder of ALEC Certificate No. 4692.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Jaber

Staff: APP: Cibula, Bellak
CMP: M. Watts

ISSUE 1: Should the Commission grant Talk America's Motion for Clarification and Extension of Time?

RECOMMENDATION: Talk America's Motion for Clarification and Extension of Time should be granted in part and denied in part. Order No. PSC-01-2107-SC-TP should be amended to include the list provided in Attachment A of staff's December 5, 2001 memorandum, which sets forth Talk America's apparent violations by complaint number and categorizes the complaint under the applicable violation. Hearing staff should be ordered to provide the customer complaint forms generated by the Division of Consumer Affairs that correspond to the customer complaints set forth in Attachment A within 10 days of the issuance date of the order rendered in this matter. Furthermore, Order No. PSC-01-2107-SC-TP should be amended to clarify that each complaint forms the basis for a single violation. Moreover, Talk America should file its response to Order No. PSC-01-2107-SC-TP within 30 days after the hearing staff provides the customer complaint forms to Talk America. The Commission should deny Talk America's request for a separate list from the Commission detailing the company's apparent violations by billing telephone number and customer name, as such a list is unnecessary if Attachment A

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5**

Docket No. 010409-TP - Petition by Citizens of State of Florida for investigation of Talk America Inc. and its affiliate, The Other Phone Company, Inc. d/b/a Access One Communications, for willful violation of Rule 25-4.118, F.A.C.

Docket No. 010564-TX - Investigation of possible violation of Commission Rules 25-4.118 and 25-24.110, F.A.C., or Chapter 364, F.S., by The Other Phone Company, Inc. d/b/a Access One Communications, holder of ALEC Certificate No. 4099, and Talk America Inc, holder of ALEC Certificate No. 4692.

(Continued from previous page)

and the customer complaint forms generated by the Division of Consumer Affairs are provided to Talk America.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No. These dockets should remain open to allow Talk America to file its response to Order No. PSC-01-2107-SC-TP as discussed in Issue 1.

DECISION: This item was deferred.

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ITEM NO.

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6**PAA

Docket No. 010858-TI - Investigation and determination of appropriate method for refunding payphone surcharges, plus interest, applied to calls made from non-payphones by AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save and d/b/a Lucky Dog Phone Co. and d/b/a ACC Business.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Kennedy, Buys
LEG: B. Keating

ISSUE 1: Should the Commission accept the settlement offer proposed by AT&T to resolve the imposition of payphone surcharges on intrastate calls made from non-payphones during the calendar years 1998, 1999, and 2000?

RECOMMENDATION: Yes. The Commission should accept AT&T's proposed settlement offer to contribute \$135,000 to the State General Revenue Fund to resolve the imposition of payphone surcharges on intrastate calls made from non-payphones during the calendar years 1998, 1999, and 2000. The contribution should be received by the Commission within ten business days from the issuance date of the Commission's 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 General Revenue Fund.

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ITEM NO.

CASE

6**PAA

Docket No. 010858-TI - Investigation and determination of appropriate method for refunding payphone surcharges, plus interest, applied to calls made from non-payphones by AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save and d/b/a Lucky Dog Phone Co. and d/b/a ACC Business.

(Continued from previous page)

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected by the proposed agency action files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's order will become final upon issuance of a consummating order. This docket should remain open pending receipt of the \$135,000 contribution. Upon receipt of the \$135,000 contribution, it should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund, and this docket should be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
7**PAA	Docket No. 011366-TI - Petition for limited waiver of Rule 25-4.118, F.A.C., Interexchange Carrier Selection, by PNG Telecommunications, Inc. d/b/a PowerNet Global Communications.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: M. Watts, Fondo
LEG: Christensen

ISSUE 1: Should PNG Telecommunications, Inc. d/b/a PowerNet Global Communications be relieved in this instance of the interexchange carrier selection requirements of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection?

RECOMMENDATION: Yes.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation on Issue 1, then the Proposed Agency Action Order shall become final and effective upon the issuance of Consummating Order unless a person whose substantial interests are affected files a protest within 21 days of the issuance of this Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of issuance of the Order, this docket should be closed administratively upon issuance of the Consummating Order.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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ITEM NO.

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8**

Docket No. 011177-TP - Complaint of MCImetro Access Transmission Services LLC against Sprint-Florida, Incorporated for improper attempt to terminate interconnection agreement, request for interim relief, and request for expedited processing.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Jacobs

Staff: CMP: Schultz
LEG: Christensen

ISSUE 1: Should the Commission acknowledge MCImetro's Notice of Voluntary Dismissal of its Complaint against Sprint?

RECOMMENDATION: Yes. The Commission should acknowledge MCImetro's Notice of Voluntary Dismissal of its Complaint against Sprint.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Staff recommends that this docket should be closed because the issues have been resolved by the parties and no further action is required by the Commission in this docket.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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9**

Docket No. 010665-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6030 issued to Mario Ramirez d/b/a ENTEL - Communications for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: CMP: Isler
LEG: Elliott

ISSUE 1: Should the Commission grant Mario Ramirez d/b/a ENTEL - Communications a voluntary cancellation of Pay Telephone Certificate No. 6030?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of March 8, 2001.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation on Issue 1, this docket should be closed upon cancellation of the certificate as no other issues need to be addressed by the Commission.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
10**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Docket No. 011414-TX - Baytel Communications, Inc.
Docket No. 011415-TX - BlueStar Networks, Inc.
Docket No. 011420-TX - Broadband Digital Technologies, Inc.
Docket No. 011422-TX - Broadtier Communications, Inc.
Docket No. 011423-TX - Budget Comm
Docket No. 011426-TX - C2C Fiber of Florida, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: Banks

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.

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<u>ITEM NO.</u>	<u>CASE</u>
10**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
11**PAA	<p>Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.</p> <p>Docket No. 011428-TX - CAT Communications International, Inc Docket No. 011430-TX - Compact Data Systems, Inc. Docket No. 011431-TX - ConnectSouth Communications of Florida, Inc. Docket No. 011438-TX - CoreComm Florida, Inc. Docket No. 011441-TX - CTC Communications Corp. Docket No. 011442-TX - Deland Actel, Inc. Docket No. 011443-TX - Delta Phones, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Fondo, M. Watts LEG: Christensen</p> <p><u>ISSUE 1</u>: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records? <u>RECOMMENDATION</u>: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
11**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
12**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records. Docket No. 011507-TX - Pinnacle Telcom, Inc. Docket No. 011508-TX - PointeCom, Incorporated d/b/a Telscap Communications Docket No. 011509-TX - Positive Investments, Inc. Docket No. 011510-TX - Premiere Network Services, Inc. Docket No. 011516-TX - Public Telephone Network, Inc. Docket No. 011517-TX - Quality Telephone Inc. Docket No. 011518-TX - Quantum Phone Communications, L.L.C. Docket No. 011519-TX - Questel Corp. Docket No. 011520-TX - Quick-Tel Communications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: Elliott

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?
RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.

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<u>ITEM NO.</u>	<u>CASE</u>
12**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
13**PAA	<p>Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.</p> <p>Docket No. 011574-TX - XSPEDIUS Corp. Docket No. 011575-TX - Yipes Transmission, Inc. Docket No. 011576-TX - Zephion Networks Communications, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Fondo, M. Watts LEG: Elliott</p> <p><u>ISSUE 1</u>: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records? <u>RECOMMENDATION</u>: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.</p> <p><u>ISSUE 2</u>: Should these dockets be closed? <u>RECOMMENDATION</u>: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by</p>

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<u>ITEM NO.</u>	<u>CASE</u>
13**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
14**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records. Docket No. 011473-TX - Express Phone Service, Inc. Docket No. 011532-TX - Strategic Technologies, Inc. Docket No. 011534-TX - Sun-Tel USA, Inc. Docket No. 011536-TX - Tallahassee Telephone Exchange, Inc. Docket No. 011537-TX - Tel-Phone Communications, Inc. Docket No. 011538-TX - Telebeeper, Inc. d/b/a Oscatel Communications Docket No. 011539-TX - Telecare, Inc. d/b/a Caretele, Inc. Docket No. 011540-TX - Telephone One Inc. Docket No. 011545-TX - Telephone Systems of Georgia, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: L. Fordham

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?
RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.

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<u>ITEM NO.</u>	<u>CASE</u>
14**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
15**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records. Docket No. 011444-TX - DialTek, LLC d/b/a DTK Telecommunications, LLC Docket No. 011446-TX - DLC Enterprises, Inc. d/b/a Direct Link Communications, Inc. Docket No. 011447-TX - Easy Phone, Inc. d/b/a Easy Tel, Inc. Docket No. 011448-TX - EasyComm Corporation Docket No. 011449-TX - Edge Connections, Inc. Docket No. 011469-TX - ElectroNet Intermedia Consulting, Inc Docket No. 011470-TX - Electronic Technical Services (E.T.S.) Docket No. 011471-TX - ET Telephone, Inc. Docket No. 011472-TX - Eureka Telecom, L.L.C.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: Fordham

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.

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<u>ITEM NO.</u>	<u>CASE</u>
15**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
16**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records. Docket No. 011568-TX - Vision Prepaid Services, Inc. Docket No. 011569-TX - VortalConnect.COM, Inc. Docket No. 011570-TX - WaKuL, Inc. Docket No. 011571-TX - WAMnet Communications Inc. Docket No. 011572-TX - WinStar Wireless, Inc. Docket No. 011573-TX - Wireless Access Network, Inc. Docket No. 011577-TX - WorkNet Communications Inc. Docket No. 011578-TX - Worldwide Internet Services, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: Fudge

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?
RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.

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<u>ITEM NO.</u>	<u>CASE</u>
16**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
17**PAA	<p>Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.</p> <p>Docket No. 011456-TX - Gulf Coast Communications, Inc. Docket No. 011474-TX - Florida City-Link Communications, Inc Docket No. 011475-TX - Florida Phone Systems, Inc. Docket No. 011476-TX - Fuzion Wireless Communications Inc. Docket No. 011478-TX - Global Broadband, Inc. Docket No. 011479-TX - Global NAPS, Inc. Docket No. 011480-TX - Global Telelink Services, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Fondo, M. Watts LEG: Fudge</p> <p><u>ISSUE 1</u>: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records? <u>RECOMMENDATION</u>: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
17**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
18**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records. Docket No. 011483-TX - KingTel, Inc. Docket No. 011484-TX - Legends Communications, Inc. Docket No. 011485-TX - Madison River Communications, LLC Docket No. 011486-TX - Max-Tel Communications, Inc. d/b/a Florida's Max-Tel Communications, Inc. Docket No. 011488-TX - MET Communications, Inc. Docket No. 011489-TX - Metro FiberLink, Inc. Docket No. 011490-TX - Metstream Communications, Inc. Docket No. 011491-TX - Miracle Communications Docket No. 011492-TX - Mpower Communications Corp.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: Helton

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?
RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.

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<u>ITEM NO.</u>	<u>CASE</u>
18**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
19**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records. Docket No. 011493-TX - Net One International, Inc. Docket No. 011494-TX - Network Plus, Inc. d/b/a Hale and Father, Inc. Docket No. 011499-TX - New Access Communications LLC Docket No. 011501-TX - Novus Communications, Inc. Docket No. 011502-TX - Ntegrity Telecontent Services Inc. Docket No. 011503-TX - Ocius Communications, Inc. Docket No. 011504-TX - Oltronics, Inc. Docket No. 011505-TX - PatriotCom Inc. Docket No. 011535-TX - Suntel Metro, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: B. Keating

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?
RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, then each company's respective certificate should be canceled administratively.

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<u>ITEM NO.</u>	<u>CASE</u>
19**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
20**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records. Docket No. 011521-TX - ReFlex Communications, Inc, Docket No. 011522-TX - Rebound Enterprises, Inc. d/b/a REI Communications Docket No. 011523-TX - Resort Hospitality Services, Ltd. Docket No. 011524-TX - S.F.M.&T., Inc. Docket No. 011525-TX - Sandhills Telecommunications Group, Inc. Docket No. 011526-TX - Seven Bridges Communications, L.L.C. Docket No. 011527-TX - Soapstone Telecom LLC Docket No. 011529-TX - Southern Telcom Network, Inc. Docket No. 011530-TX - SouthNet Telecomm Services, Inc. Docket No. 011531-TX - Speedy Reconnect, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: Knight

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order,

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<u>ITEM NO.</u>	<u>CASE</u>
20**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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then each company's respective certificate should be canceled administratively.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
21**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records. Docket No. 011404-TX - U S WEST !nterprise America, Inc. d/b/a !nterprise America, Inc. Docket No. 011405-TX - 2 nd Century Communications, Inc. Docket No. 011406-TX - A 1 Mobile Tech, Inc. Docket No. 011407-TX - AccuTel of Texas, Inc. Docket No. 011408-TX - Actel Integrated Communications, Inc. Docket No. 011410-TX - American Fiber Network, Inc. Docket No. 011411-TX - APPLIANCE & TV RENTALS, INC. d/b/a Fones-4-U Docket No. 011412-TX - Axsys, Inc. de/b/a Axsys, Inc./Tel Ptns. Docket No. 011413-TX - Basic Phone, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: Knight

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order,

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<u>ITEM NO.</u>	<u>CASE</u>
21**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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then each company's respective certificate should be canceled administratively.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
22**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records. Docket No. 011546-TX - Tower Communications, Inc. d/b/a United Southern Telecom Docket No. 011547-TX - Tristar Communications Docket No. 011549-TX - Twenty Eight Red, Inc. d/b/a Cash America Docket No. 011550-TX - U.S. Dial Tone, Inc. Docket No. 011552-TX - United States Telecommunications, Inc d/b/a Tel Com Plus Docket No. 011553-TX - US LEC of Florida Inc. Docket No. 011554-TX - USA Digital, Inc. Docket No. 011555-TX - USA Quick Phone, Inc. Docket No. 011589-TX - Telera Communications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: Teitzman

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order,

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<u>ITEM NO.</u>	<u>CASE</u>
22**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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then each company's respective certificate should be canceled administratively.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
23**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records. Docket No. 011458-TX - IDS Telcom LLC Docket No. 011459-TX - International Exchange Communications Inc. d/b/a IE Com Docket No. 011461-TX - Intelligence Network Online, Inc. Docket No. 011462-TX - Interloop, Inc. Docket No. 011463-TX - IPVoice Communications, Inc. Docket No. 011464-TX - ITS Telecommunications Systems, Inc. Docket No. 011465-TX - JATO Operating Two Corp. Docket No. 011466-TX - Kenarl Inc. d/b/a Lake Wellington Professional Centre Docket No. 011467-TX - Kernan Associates, Ltd. d/b/a St. Johns Estates

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fondo, M. Watts
LEG: Teitzman

ISSUE 1: Should the Commission fine each of the companies listed in Attachment A of staff's December 5, 2001 memorandum \$5,000 or cancel each company's respective certificate, as listed in Attachment A, for apparent failure to provide the Commission access to information pursuant to Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should fine each of the companies listed in Attachment A \$5,000 or cancel each company's respective certificate, as listed in Attachment A, if the fine is not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order,

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<u>ITEM NO.</u>	<u>CASE</u>
23**PAA	Compliance investigations for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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then each company's respective certificate should be canceled administratively.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines or cancellation of the certificates. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: This item was withdrawn.

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ITEM NO.

CASE

24**PAA

Docket No. 981246-EI - Petition by Florida Power & Light Company for approval of annual accrual for Turkey Point and St. Lucie nuclear decommissioning unit costs.
Docket No. 001835-EI - Petition for approval of revised annual accrual for nuclear decommissioning costs by Florida Power Corporation.
Docket No. 990324-EI - Disposition of Florida Power & Light Company's accumulated amortization pursuant to Order PSC-96-0461-FOF-EI.
Docket No. 991931-EI - Determination of appropriate method of recovery for the last core of nuclear fuel for Florida Power & Light Company and Florida Power Corporation.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Jaber (981246)
Prehearing Officer: Deason (001835, 990324)
Prehearing Officer: Jacobs (991931)

Staff: ECR: P. Lee, Gardner, Meeks, Maurey, McCaskill,
Stallcup, Hewitt, Slemkewicz, Mailhot
LEG: Elias, C. Keating
PAI: Lewis
SER: Bohrmann, Colson, D. Lee

ISSUE 1: Should the currently approved annual nuclear decommissioning accruals for Florida Power & Light Company (FPL) and Florida Power Corporation (FPC) be revised?

RECOMMENDATION: Yes. A review of FPL's and FPC's site specific decommissioning cost studies indicate that currentl prescribed annual accrual levels should be revised to recognize developments and changes impacting decommissioning cost estimates. Such changes consider factors including additional information, improvements in technology, and regulatory changes that have transpired since the 1994 studies.

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24**PAA

Docket No. 981246-EI - Petition by Florida Power & Light Company for approval of annual accrual for Turkey Point and St. Lucie nuclear decommissioning unit costs.
Docket No. 001835-EI - Petition for approval of revised annual accrual for nuclear decommissioning costs by Florida Power Corporation.
Docket No. 990324-EI - Disposition of Florida Power & Light Company's accumulated amortization pursuant to Order PSC-96-0461-FOF-EI.
Docket No. 991931-EI - Determination of appropriate method of recovery for the last core of nuclear fuel for Florida Power & Light Company and Florida Power Corporation.

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Staff believes that disposition of this issue will satisfy the IRS requirements regarding projected dates each nuclear unit will no longer be included in rate base for ratemaking purposes and the methodologies to be utilized by FPL and FPC to decommission their nuclear units.

ISSUE 2: Should a contingency allowance be applied to the estimated cost of decommissioning, and if so, what should the percentage be?

RECOMMENDATION: Yes. A contingency allowance should be applied to the costs of decommissioning nuclear units. The weighted average contingency factors listed below for each of the five nuclear units are reasonable and should be approved

FPC:
CR3 17.22%

FPL:
TP3 19.59%
TP4 19.39%
SL1 20.51%
SL2 20.79%

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24**PAA

Docket No. 981246-EI - Petition by Florida Power & Light Company for approval of annual accrual for Turkey Point and St. Lucie nuclear decommissioning unit costs.
 Docket No. 001835-EI - Petition for approval of revised annual accrual for nuclear decommissioning costs by Florida Power Corporation.
 Docket No. 990324-EI - Disposition of Florida Power & Light Company's accumulated amortization pursuant to Order PSC-96-0461-FOF-EI.
 Docket No. 991931-EI - Determination of appropriate method of recovery for the last core of nuclear fuel for Florida Power & Light Company and Florida Power Corporation.

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ISSUE 3: Should the total estimated cost of nuclear decommissioning include a provision for on-site storage of spent fuel beyond the termination of the operating licenses of each nuclear unit?

RECOMMENDATION: Yes. It is prudent for the total estimated costs of nuclear decommissioning to include the costs for interim storage of spent fuel incurred after the retirement of each nuclear unit. However, these amounts should continue to be reviewed in subsequent decommissioning studies to determine the prudence of their inclusion.

ISSUE 4: What is the appropriate annual accrual in equal dollar amounts necessary to recover future decommissioning costs over the remaining life of each nuclear power plant for Florida Power & Light Company and Florida Power Corporation?

RECOMMENDATION: The appropriate jurisdictional annual accrual amounts necessary to recover future decommissioning costs over the remaining life of each nuclear power plant are:

	<u>Recommended Annual Accrual</u>
FPL:	
TP3	\$21,815,173
TP4	25,220,424
SL1	18,683,743
SL2	<u>12,797,597</u>
Total	<u>\$78,516,937</u>

ITEM NO.

CASE

24**PAA

Docket No. 981246-EI - Petition by Florida Power & Light Company for approval of annual accrual for Turkey Point and St. Lucie nuclear decommissioning unit costs.
Docket No. 001835-EI - Petition for approval of revised annual accrual for nuclear decommissioning costs by Florida Power Corporation.
Docket No. 990324-EI - Disposition of Florida Power & Light Company's accumulated amortization pursuant to Order PSC-96-0461-FOF-EI.
Docket No. 991931-EI - Determination of appropriate method of recovery for the last core of nuclear fuel for Florida Power & Light Company and Florida Power Corporation.

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FPC:

CR3	<u>\$18,144,708</u>
	<u>\$18,442,980</u>

For FPL, staff's recommended total accrual amount represents a decrease of \$0.8 million compared to the total amount indicated in FPL's study and a decrease of \$5.5 million compared to the total amount approved in Order No. PSC-95-1531-FOF-EI (Order No. 95-1531), which established FPL's current nuclear decommissioning accrual levels. For FPC, staff's recommended amount represents an increase of **\$9.5** ~~\$9.8~~ million over the amount requested in FPC's study and a decrease of **\$2.4** ~~\$2.1~~ million compared to the amount approved in Order No. 95-1531.

Staff believes that disposition of this issue will satisfy the IRS requirements regarding the current and future cost to decommission each nuclear unit, the years in which the accumulated decommissioning funds will be expended, the escalation rates, the assumed fund earnings rate, and the annual accrual amounts.

ISSUE 5: Should the unrecovered value of Materials and Supplies inventories that will exist at the nuclear site following shut down be recovered through an unfunded reserve
RECOMMENDATION: Yes. The unrecovered value of Materials and Supplies (M&S) inventories existing at the nuclear site following permanent shut down should be amortized over the remaining life span of each nuclear site. The resulting

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ITEM NO.

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24**PAA

Docket No. 981246-EI - Petition by Florida Power & Light Company for approval of annual accrual for Turkey Point and St. Lucie nuclear decommissioning unit costs.
Docket No. 001835-EI - Petition for approval of revised annual accrual for nuclear decommissioning costs by Florida Power Corporation.
Docket No. 990324-EI - Disposition of Florida Power & Light Company's accumulated amortization pursuant to Order PSC-96-0461-FOF-EI.
Docket No. 991931-EI - Determination of appropriate method of recovery for the last core of nuclear fuel for Florida Power & Light Company and Florida Power Corporation.

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jurisdictional annual expense is \$1.7 million for TP, \$0.7 million for SL, and \$1.5 million for CR3. The accounting treatment for these expenses should consist of a debit to nuclear maintenance expense with a credit to an unfunded Account 228 reserve. Further, the amortization of EOL M&S inventories should be included in subsequent decommissioning studies so the related annual accruals can be revised, if warranted. Moreover, in the event of industry restructuring treatment of these established unfunded reserves should follow the same treatment afforded nuclear decommissioning.
ISSUE 6: What is the appropriate recovery mechanism for the cost of the last core of nuclear fuel?

RECOMMENDATION: The existence of the last core of nuclear fuel (Last Core) is the direct result of unit shut down, and there are numerous uncertainties surrounding the timing of unit shut down, actual costs associated with the Last Core, and future regulatory environment. Therefore, staff recommends that the associated costs be considered a base rate future obligation with recovery afforded through an established unfunded reserve. The recommended accounting treatment consists of a debit to base rate fuel expense with a credit to an unfunded Account 228 reserve. The resulting annual jurisdictional expenses for FPL are about \$5.5 million; for FPC, the resulting annual jurisdictional expenses are \$1.1 million. Additionally, FPL and FPC should address the costs associated with the Last Core in subsequent decommissioning studies so the related annual accruals can b

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24**PAA

Docket No. 981246-EI - Petition by Florida Power & Light Company for approval of annual accrual for Turkey Point and St. Lucie nuclear decommissioning unit costs.
Docket No. 001835-EI - Petition for approval of revised annual accrual for nuclear decommissioning costs by Florida Power Corporation.
Docket No. 990324-EI - Disposition of Florida Power & Light Company's accumulated amortization pursuant to Order PSC-96-0461-FOF-EI.
Docket No. 991931-EI - Determination of appropriate method of recovery for the last core of nuclear fuel for Florida Power & Light Company and Florida Power Corporation.

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revised, if warranted. Further, in the event of industry restructuring, treatment of the Last Core unfunded reserve should follow the same treatment afforded nuclear decommissioning.

ISSUE 7: What is the appropriate disposition of the accumulated balance of nuclear amortization?

RECOMMENDATION: Staff recommends that the \$98,666,667 million of nuclear amortization accumulated from January 1, 1996 through April 13, 1999, the day prior to the Implementation Date of the Stipulation, be transferred to a regulatory liability account and amortized over the remaining life of the nuclear units. The unamortized amount of the regulatory liability will be included in working capital as reduction to rate base. The amortization expense will be recorded as a credit to Account 407.4, Regulatory Credits. The resulting annual jurisdictional amortization expense is about \$6.9 million. Further, in the event of industry restructuring, treatment of the Last Core unfunded reserve should follow the same treatment afforded nuclear decommissioning.

ISSUE 8: What should be the effective date for adjusting the annual decommissioning accrual amounts, amortization of nuclear EOL M&S inventories, and amortization of the costs associated with the Last Core?

RECOMMENDATION: The effective date for revised decommissioning accruals, amortization of nuclear EOL M&S inventories, and amortization of the costs associated with

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the Last Core as shown below should be January 1, 2001 for FPC; the effective date for FPL should be May 1, 2002, when its governing Stipulation ends. Additionally, the effective date for FPL to begin the amortization of the nuclear regulatory liability discussed in Issue 7 should be May 1, 2002. Further, contributions to the decommissioning trust funds should be made on a monthly basis.

	<u>(Million)</u>
FPL:	
Nuclear decommissioning accruals	\$78.5 (Issue 4)
Amortization of EOL M&S	2.4 (Issue 5)
Amortization of Last Core	<u>5.5 (Issue 6)</u>
Total	86.4
Less	
Amortization of nuclear regulatory liability	<u>(6.9) (Issue 7)</u>
Total expense	<u>79.5</u>
FPC:	
Nuclear decommissioning accruals	\$18.1 (Issue 4)
	\$18.4 (Issue 4)
Amortization of EOL M&S	1.5 (Issue 5)
Amortization of Last Core	<u>1.1 (Issue 6)</u>
Total expense	<u>20.7</u>
	<u>21.0</u>

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24**PAA

Docket No. 981246-EI - Petition by Florida Power & Light Company for approval of annual accrual for Turkey Point and St. Lucie nuclear decommissioning unit costs.
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ISSUE 9: When should FPL and FPC file their next nuclear decommissioning studies?

RECOMMENDATION: The next decommissioning cost studies for FPL and FPC should be filed no later than January 1, 2006 and December 29, 2005, respectively, in accordance with Rule 25-6.04365, Florida Administrative Code. The studies should include an update of the amortizations of EOL M&S inventories and the Last Core.

ISSUE 10: Should these dockets 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, these dockets should be closed upon the issuance of a consummating order.

DECISION: Staff's recommendation concerning Florida Power & Light Company was approved. In Issue 4 for Florida Power Corporation, the base accrual on projected earnings level will be 6%, with the company to justify if the rate is the higher of the inflation rate or 4.7%. Florida Power Corporation will file an earnings report December 31, 2003, with the understanding that the Public Service Commission may or may not take action based on the report. Staff will make fall-out adjustments to the other issues as necessary based on the decision in Issue 4.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
25**PAA	Docket No. 011595-GU - Request for depreciation rates for ne accounts, by Indiantown Gas Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
 Prehearing Officer: Administrative

Staff: ECR: P. Lee
 LEG: Dodson

ISSUE 1: Should depreciation rates be prescribed for two ne accounts for Indiantown Gas Company, Inc.?

RECOMMENDATION: Yes. In accord with Rule 25-7.045 (2)(b), Florida Administrative Code, depreciation rates as shown below should be prescribed for the two new accounts established for Structures (Account 390) and Transportation (Account 392).

Account	Average Service Life	Net Salvage	Depreciation Rate
	(Yrs.)	(%)	(%)
390 - Structures	31	0	3.2
392 - Transportation	6	10	15.0

ISSUE 2: What is the implementation date for the new depreciation rates?

RECOMMENDATION: Staff recommends an effective date of January 1, 2001 for the new depreciation rates.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests ar affected by the proposed agency action files a protest withi 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: Jacobs, Deason, Jaber, Baez, Palecki

<u>ITEM NO.</u>	<u>CASE</u>
26	Docket No. 010006-WS - Water and wastewater industry annual reestablishment of authorized range of return on common equity of water and wastewater utilities pursuant to Section 367.081(4)(f), F.S.

Critical Date(s): 12/31/01 (Order must be issued by this date.)

Commissioners Assigned: Full Commission
Prehearing Officer: Palecki

Staff: ECR: D. Draper
LEG: Jaeger

ISSUE 1: What is the most appropriate model or method to estimate a fair and reasonable return on a water and wastewater utility's common equity capital?

RECOMMENDATION: With the adjustments set forth in Issue 4, the existing methodology for determining the ROE leverage formula is appropriate. Based on the record in this proceeding the most appropriate models to estimate a fair and reasonable ROE for a water and wastewater utility for inclusion in the leverage formula is the Discounted Cash Flow model (DCF) and the Capital Asset Pricing Model (CAPM).

ISSUE 2: Should the Commission, as a matter of law or policy, establish a leverage formula that systematically results in an allowed equity return that is either higher or lower than the actual measured cost of equity for an average water and wastewater utility at the corresponding equity?

RECOMMENDATION: No. Staff believes it is appropriate for the Commission to base its decision on the evidence contained in the record.

ISSUE 3: Is there justification for utilizing a leverage formula methodology that yields a lower return on equity for water and wastewater utilities as compared to other rate-based regulated industries in Florida and elsewhere?

RECOMMENDATION: Pursuant to Section 367.081(4)(f), Florida Statutes, the Commission must establish a leverage formula which reasonably reflects the "range of returns on common equity for an average water or wastewater utility." Staff believes that using the methodologies in Issue 1, and allowing for placement costs and a risk premium to account

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Docket No. 010006-WS - Water and wastewater industry annual reestablishment of authorized range of return on common equity of water and wastewater utilities pursuant to Section 367.081(4)(f), F.S.

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for the small size and the additional risk of the average water and wastewater utility, results in a leverage formula appropriate for an average water and wastewater utility.

ISSUE 4: What is the appropriate range of returns on common equity for water and wastewater utilities pursuant to Section 367.081(4)(f), Florida Statutes?

RECOMMENDATION: Staff recommends the following return on equity:

$$\text{Return on Common Equity} = 9.10\% + 0.896/\text{Equity Ratio}$$

Where the Equity Ratio = Common Equity / (Common Equity + Preferred Equity + Long-Term and Short-Term Debt)

Range: 10.00% @ 100% equity to 11.34% @ 40% equity

Based on its analysis of this issue and a review of the witnesses' testimonies and exhibits, staff recommends the following:

1. The Commission should use a two-stage annual DCF model applied to an index of natural gas distribution utilities, using forecasted expected dividend growth rates for the first stage and the retention earnings method for the second stage.
2. The Commission should use the CAPM for an index of natural gas distribution utilities, using an average beta, derived from Value Line, and a market risk premium calculated by a simple DCF model using an average of forecasted dividend and earnings growth rate.
3. The Commission should make a 20-basis point adjustment to each model to adjust for flotation cost

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26 Docket No. 010006-WS - Water and wastewater industry annual reestablishment of authorized range of return on common equity of water and wastewater utilities pursuant to Section 367.081(4)(f), F.S.

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allowance. In addition, a 10-basis point adjustment made to the CAPM to adjust for quarterly compounded results.

4. The Commission should make the following adjustments to the average of the two models: a bond yield differential adjustment, a private placement premium of 50-basis points and a small-utility risk premium of 50-basis points.

5. The Commission should allow the indicated range of ROE in the leverage formula for a WAW utility to range from 40% equity to 100% equity. In addition, it has been Commission practice to include an adjustment to reflect the required equity return at a 40% equity ratio.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: No. Pursuant to Stipulation No. 1, this docket should remain open to allow staff to monitor the movement in capital costs and to readdress the reasonableness of the leverage formula as conditions warrant.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
27**	<p>Docket No. 010816-WS - Initiation of show cause proceedings against Floridana Homeowners, Inc., in Manatee County for violation of Rule 25-30.110(3), F.A.C., Annual Reports.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Baez</p> <p>Staff: LEG: Espinoza ECR: Peacock</p> <p><u>ISSUE 1</u>: Should Floridana be ordered to show cause, in writing, within 21 days, why it should not be fined for failure to file its 1995 and 1996 annual reports in apparent violation of Rule 25-30.110(3), Florida Administrative Code? <u>RECOMMENDATION</u>: No. Show cause proceedings should not be initiated at this time. Staff further recommends that the penalties set forth in Rule 25-30.110(7), Florida Administrative Code, should not be assessed, as the information contained in the delinquent reports is no longer needed for the ongoing regulation of the utility. In addition, Floridana should not be required to file the 1995 and 1996 annual reports.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. Because no further action is necessary, this docket should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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28**PAA

Docket No. 011271-TI - Application for certificate to provide interexchange telecommunications service by A+ Communications, Inc.
Docket No. 011382-TX - Application for certificate to provide alternative local exchange telecommunications service by A+ Communications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: RGO: Pruitt
LEG: Elliott

ISSUE 1: Should the Commission grant A+ Communications, Inc. certificates to provide interexchange telecommunications service and alternative local exchange telecommunications service within the State of Florida as provided by Section 364.337, Florida Statutes?

RECOMMENDATION: No. A+ Communications, Inc. should not be granted an interexchange telecommunications service certificate nor an alternative local exchange telecommunications service certificate to operate in Florida

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. These dockets should be closed upon the issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's proposed agency action files a written protest within 21 days of the issuance date of the proposed agency action.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
29**PAA	<p>Docket No. 000890-TI - Request for cancellation of Interexchange Telecommunications Certificate No. 3990 by Thrifty Call, Inc., effective 7/10/00.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: RGO: Hawkins LEG: Banks</p> <p><u>ISSUE 1</u>: Should Thrifty Call's request to cancel its IXC certificate be granted? <u>RECOMMENDATION</u>: Yes. The Commission should grant Thrifty Call's request to cancel its Interexchange Telecommunication Certificate No. 3990, effective 7/10/00.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final upon the issuance of a Consummating Order and the docket should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
30**PAA	<p>Docket No. 011400-TI - Petition by MCI WorldCom Communications, Inc. for waiver of Rule 25-4.118, F.A.C., Interexchange Carrier Selection, for transfer of customer base of Intermedia Communications, Inc. to MCI WorldCom Communications, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: RGO: McCoy LEG: Elliott</p> <p><u>ISSUE 1</u>: Should MCI WorldCom be relieved in this instance of the interexchange carrier selection requirements of Rule 25-4.118, Florida Administrative Code? <u>RECOMMENDATION</u>: Yes.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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<u>ITEM NO.</u>	<u>CASE</u>
31**	Docket No. 010986-WS - Notice of sale of assets of Regency Utilities, Inc. in Duval County to Jacksonville Electric Authority, and request for cancellation of Certificate Nos. 197-W and 143-S.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Jaber

Staff: RGO: Clapp, Rieger
ECR: Iwenjiora
LEG: Harris

ISSUE 1: Should the transfer of Regency's water and wastewater facilities to JEA be approved as a matter of right and should Certificates Nos. 197-W and 143-S be cancelled?

RECOMMENDATION: Yes. The transfer of Regency's water and wastewater facilities to JEA should be approved as a matter of right pursuant to Section 367.071(4)(a), Florida Statutes and Certificates Nos. 197-W and 143-S should be cancelled effective April 10, 2001. The remaining activities of Regency are exempt from Commission regulation pursuant to Section 367.022(8), Florida Statutes.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. The docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
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32**	Docket No. 011402-WU - Notice of abandonment of water services in Marion County by Silver City Utilities.
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Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: RGO: Brady, Redemann
ECR: Iwenjiora
LEG: Harris

ISSUE 1: Should the Commission acknowledge the notice of abandonment of Silver City Utilities?

RECOMMENDATION: Yes. The Commission should acknowledge the notice of abandonment and the potential for the utility to be abandoned as of, or subsequent to, December 31, 2001. The utility should be put on notice that it will be required to file a 2001 Annual Report and to remit the 2001 regulatory assessment fees within the time frame and manner prescribed by Commission rules.

ISSUE 2: Should the docket be closed?

RECOMMENDATION: No. The docket should remain open pending final disposition of the utility.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

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ITEM NO.

CASE

33**PAA

Docket No. 011200-EQ - Petition for approval of standard offer contract and revised COG-2 tariff, and for ruling that waiver of a portion of Rule 25-17.0832(4), F.A.C., is unnecessary, by Florida Power & Light Company. (Deferred from the December 4, 2001 Commission Conference.)

Critical Date(s): 12/31/01 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: SER: Futrell
ECR: Springer
LEG: Echternacht

ISSUE 1: Should the Commission find that Florida Power & Light's petition that a waiver of Rule 25-17.0832(4)(e)5, Florida Administrative Code, is unnecessary?

RECOMMENDATION: Yes. FPL's proposed standard offer contract can be processed during its Request for Proposals process. The RFP requested proposals to deliver firm capacity and energy in 2005 and 2006. The standard offer is designed to defer or avoid up to 5 MW's of a 2003 CT at Fort Myers. If party signs the proposed standard offer contract, the capacity and energy sold to FPL will not significantly affect FPL's need for capacity in 2005 and 2006.

ISSUE 2: Should FPL's petition for approval of a new Standard Offer Contract, based upon a combustion turbine unit with an in-service date of 2003, be approved?

RECOMMENDATION: Yes. FPL's new Standard Offer Contract complies with Rule 25-17.0832, Florida Administrative Code. Thus, the Standard Offer Contract and associated tariffs should be approved.

ISSUE 3: On what date should FPL's proposed Standard Offer Contract become effective?

RECOMMENDATION: FPL's proposed standard offer contract should become effective ten days after the issuance of a consummating order if there is no timely protest filed.

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33**PAA

Docket No. 011200-EQ - Petition for approval of standard offer contract and revised COG-2 tariff, and for ruling that waiver of a portion of Rule 25-17.0832(4), F.A.C., is unnecessary, by Florida Power & Light Company. (Deferred from the December 4, 2001 Commission Conference.)

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ISSUE 4: 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: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
34	<p>Docket No. 011252-TP - Request for arbitration concerning complaint of XO Florida, Inc. against Verizon Florida Inc. (f/k/a GTE Florida Incorporated) regarding breach of interconnection agreement and request for expedited relief.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Jacobs, Deason, Baez Prehearing Officer: Baez</p> <p>Staff: LEG: Fordham CMP: Fulwood</p> <p><u>ISSUE 1</u>: Should the Commission grant Verizon's Motion to Dismiss? <u>RECOMMENDATION</u>: Yes. The Commission should grant Verizon's Motion to Dismiss.</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, the Docket should be closed upon issuance of the order.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Baez</p>

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<u>ITEM NO.</u>	<u>CASE</u>
35**	Docket No. 000061-EI - Complaint by Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for violation of Sections 366.03, 366.06(2) and 366.07, F.S., with respect to rates offered under commercial/industrial service rider tariff; petition to examine and inspect confidential information; and request for expedited relief.

Critical Date(s): None

Commissioners Assigned: Jacobs, Jaber, Baez
Prehearing Officer: Jacobs

Staff: LEG: Stern
ECR: E. Draper

ISSUE 1: Should TECO be required to continue filing quarterly Commercial/Industrial Service Rider (CISR) reports?

RECOMMENDATION: No. TECO should not be required to continue filing quarterly CISR reports. TECO, however, should be required to notify the Commission when it executes a new CSA and provide a description of the CSA, including the rates, terms and conditions, and the justification for the offering. TECO should provide this information within 30 days after executing the CSA.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber, Baez

<u>ITEM NO.</u>	<u>CASE</u>
36	<p>Docket No. 010098-TP - Petition by Florida Digital Network, Inc. for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc. under the Telecommunications Act of 1996.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Deason, Jaber, Palecki Prehearing Officer: Deason</p> <p>Staff: CMP: Hinton LEG: Banks, Fudge</p> <p><u>LEGAL ISSUE A</u>: What is the Commission's jurisdiction in this matter?</p> <p><u>RECOMMENDATION</u>: Staff believes that the Commission has jurisdiction pursuant to Chapter 364, Florida Statutes, and Section 252 of the Federal Telecommunications Act of 1996 (Act) to arbitrate interconnection agreements, and may implement the processes and procedures necessary to do so in accordance with Section 120.80 (13)(d), Florida Statutes. Section 252 states that a State Commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions required. This section requires this Commission to conclude the resolution of any unresolved issues not later than nine months after the date on which the ILEC received the request under this section. In this case, however, the parties have explicitly waived the nine-month requirement set forth in the Act.</p> <p>Further, staff believes that while Section 252(e) of the Act reserves the state's authority to impose additional conditions and terms in an arbitration not inconsistent with the Act and its interpretation by the FCC and the courts, the Commission should use discretion in the exercise of such authority.</p>

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36

Docket No. 010098-TP - Petition by Florida Digital Network, Inc. for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc. under the Telecommunications Act of 1996.

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ISSUE 1: For purposes of the new interconnection agreement, should BellSouth be required to provide xDSL service over UN loops when FDN is providing voice service over that loop?

RECOMMENDATION: Staff recommends that for the purposes of the new interconnection agreement, where BellSouth has deployed DSLAM in the remote terminal for the purposes of providing DSL service to customers served by that remote terminal, BellSouth should be required to provide a broadband UNE that includes unbundled DSL-capable transmission facilities between the customer's Network Interface Device and the BellSouth distribution frame in its central office, including all attached electronics that perform DSL multiplexing and splitting functionalities. Staff recommends the Commission not require BellSouth to offer either its FastAccess Internet Service or its DSL transport service to FDN for resale in the new BellSouth/FDN interconnection agreement. Finally, staff recommends the Commission not require BellSouth to continue to provide its FastAccess Internet Service to end users who obtain voice service from FDN over UNE loops.

ISSUE 11: Should this docket be closed?

RECOMMENDATION: No. The parties should be required to submit a signed agreement that complies with the Commission's decisions in this docket for approval within 30 days of issuance of the Commission's Order. This docket should remain open pending Commission approval of the final arbitration agreement in accordance with Section 252 of the Telecommunications Act of 1996.

DECISION: This item was deferred.