

MINUTES OF
COMMISSION CONFERENCE, TUESDAY, DECEMBER 19, 2000
COMMENCED: 10:15 a.m.
ADJOURNED: 3:15 p.m.

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

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

The first order of business will be the election of the Chairman for the term January 2, 2001 through January 7, 2003.

DECISION: On the motion of Commissioner Jaber and the second of Commissioner Baez, Commissioner E. Leon Jacobs was elected Chairman for the term January 2, 2001 through January 7, 2003.

1 Approval of Minutes
October 17, 2000 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

2** Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001695-TC	Siesta Bar/Grill, Inc.
001709-TC	Little Charlie Creek R.V. Park, Inc.
001708-TC	John Lytle
001723-TC	Focus Connection, Inc.
001743-TC	Guillermo Fuentes

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<u>ITEM NO.</u>	<u>CASE</u>
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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001733-TC	PSI International, Corp.
001688-TC	RD & Company, Inc.

PAA	B) Applications for certificates to provide alternative local exchange telecommunications service.
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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001462-TX	TalkingNets Holdings, LLC
001545-TX	David A. McGuire d/b/a Simply Communications
001444-TX	Positive Investments, Inc. d/b/a Reconnection Plus, Inc.
001550-TX	Broadband2Wireless US, Inc.
001679-TX	Pacific Centrex Services, Inc.
001692-TX	McLeodUSA Telecommunications Services, Inc.

PAA	C) Applications for certificates to provide interexchange telecommunications service.
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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001516-TI	TalkingNets Holdings, LLC
001680-TI	Encompass Communications, L.L.C.
001576-TI	Digital Broadband Communications, Inc.
001517-TI	Summit Telco, L.L.C.
001627-TI	Long Distance Billing Services, Inc.
001628-TI	World Business Center, Inc.
001490-TI	T-NETIX Internet Services, Inc.

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DOCKET NO.	COMPANY NAME
001451-TI	Call Processing, Inc.
001515-TI	Zone Telecom, Inc.
001582-TI	NorthStar Communications, Inc. d/b/a Small Business America

PAA D) DOCKET NO. 001704-TI - Request for cancellation of IXC Certificate No. 4076 by Intelnet International Corp., effective July 24, 2000.

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.

DOCKET NO.	COMPANY NAME	PHONE NO. & LOCATION
001537-TC	BellSouth Public Communications, Inc.	(954) 748-9919 Sun Pointe Springs 7629 NW 42nd Place Sunrise
001561-TC	BellSouth Public Communications, Inc.	(305) 949-8722 New Horizon Master Assn. 1500 NE 199 Street Miami
		(561) 878-9781 K-Mart 1363 NW St. Lucie West Port St. Lucie
001642-TC	BellSouth Public Communications, Inc.	(305) 621-2084 MonteRey Homes 5416 NW 186 Street Opa Locka

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PAA	F) DOCKET NO. 001591-TI - Request for approval of merger whereby 360 Long Distance, Inc. d/b/a ALLTEL/360 (holder of IXC Certificate No. 4715), a wholly owned subsidiary of ALLTEL Corporation, Inc., will be merged into ALLTEL Communications, Inc. (holder of IXC Certificate No. 4467), also a wholly owned subsidiary of ALLTEL Corporation, Inc.
PAA	G) DOCKET NO. 001488-TP - Request for approval of asset purchase agreement whereby Network Telephone Corporation (holder of ALEC Certificate No. 7349 and IXC Certificate No. 7350), a wholly owned subsidiary of NT Corporation, will purchase, and LightNetworks, Inc. (holder of ALEC Certificate No. 5613 and IXC Certificate No. 5681) will sell, all telecommunications assets of LightNetworks, including but not limited to customer records and customer list.
	H) DOCKET NO. 001422-TP - Request by BellSouth Telecommunications, Inc. for approval of one-way interconnection and unbundling agreement with Powertel, Inc. (Critical Date: Parties have waived 90-day requirement.)
	I) DOCKET NO. 001442-TP - Request by BellSouth Telecommunications, Inc. for approval of unbundling and collocation agreement with DIECA Communications, Inc. d/b/a Covad Communications Company. (Critical Date: 12/20/00)
	J) DOCKET NO. 001542-TP - Petition of Verizon Florida Inc. for approval of line-sharing amendment to adopted terms of interconnection, unbundling, and resale agreement with Sprint Communications Company Limited Partnership. (Critical Date: 1/7/01)
	K) Requests for approval of interconnection agreements.

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001548-TP	BellSouth Telecommunications, Inc.; NewSouth Communications Corp.	01/07/01
001632-TP	Sprint-Florida, Incorporated; Weblink Wireless, Inc.	01/25/01

L) Requests for approval of amendments to interconnection, unbundling and resale agreements. (001578-TP also includes collocation.)

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001578-TP	BellSouth Telecommunications, Inc.; BlueStar Networks, Inc.	12/26/00
001587-TP	BellSouth Telecommunications, Inc.; DIECA Communications, Inc. d/b/a Covad Communications Company	12/26/00
001588-TP	BellSouth Telecommunications, Inc.; Daytona Telephone Company	12/26/00

M) DOCKET NO. 001631-TP - Petition for approval of resale agreement and amendment to resale agreement between Sprint-Florida, Incorporated and OSCATEL Communications. (Critical Date: 1/25/01)

N) Requests for approval of resale agreements.

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001616-TP	Ganoco, Inc. d/b/a American Dial Tone; Sprint-Florida, Incorporated	01/24/01
001617-TP	Deland Actel, Inc.; Sprint-Florida, Incorporated	01/24/01
001618-TP	King Communications & Services, Inc.; Sprint-Florida, Incorporated	01/24/01
001636-TP	BellSouth Telecommunications, Inc.; Southern Telecommunications Services, Inc.	01/25/01

O) Requests for approval of amendments to resale agreements.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001586-TP	BellSouth Telecommunications, Inc.; Gulf Coast Communications, Inc.	12/26/00
001633-TP	BellSouth Telecommunications, Inc.; FLATEL, Inc. d/b/a Florida Telephone Company	01/25/01
001634-TP	BellSouth Telecommunications, Inc.; Ciera Network Systems, Inc.	01/25/01
001635-TP	BellSouth Telecommunications, Inc.; Budget Phone, Inc.	01/25/01

P) DOCKET NO. 001590-TP - Petition by Verizon Florida Inc. (f/k/a GTE Florida Incorporated) for approval of first amendment to adopted terms of interconnection,

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unbundling, and resale agreement with Verizon Select
Services Inc. (f/k/a GTE Communications Corporation).
(Critical Date: 1/22/01)

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001614-TP	BellSouth Telecommunications, Inc.; Caronet, Inc.	01/24/01
001643-TP	BellSouth Telecommunications, Inc.; Metropolitan Telecommunications, Inc.	01/28/01

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001553-TP	Allegiance Telecom of Florida, Inc.; Verizon Florida Inc.	01/10/01
001594-TP	BellSouth Telecommunications, Inc.; NEXTLINK Florida, Inc.	01/22/01
001595-TP	BellSouth Telecommunications, Inc.; Mpower Communications Corp.	01/22/01
001600-TP	BellSouth Telecommunications, Inc.; NorthPoint Communications, Inc.	01/22/01
001604-TP	BellSouth Telecommunications, Inc.; OptiLink Communications, Inc.	01/22/01
001637-TP	BellSouth Telecommunications, Inc.; New Edge Network, Inc. D/b/a New Edge Networks	01/25/01

S) DOCKET NO. 001573-TP - Petition by Verizon Florida Inc. for approval of interconnection, unbundling, resale, and collocation agreement with Fuzion Wireless Communications Inc.

(Critical Date: 12/26/00)

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T) DOCKET NO. 001652-WS - Request to correct the territory description in Order No. PSC-00-1657-PAA-WS issued September 18, 2000, in Docket No. 000430-WS, by Lake Groves Utilities, Inc. in Lake County, to remove an extra word, "of," from the first line of the description shown on page 9 of the Order. The first line on page 9 of the description should read: South 1/2 of Southeast 1/4 of Northwest 1/4, South 1/2 of.

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

DECISION: The recommendation was approved with a modification made by staff in Docket No. 001442-TP.

The following dockets were deferred: 2K - 001548-TL, 2L - 001578-TP, 001587-TP, 001588-TP, 2N - 001636-TP, 2Q - 001643-TP, 2S - 001573-TP.

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

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<u>ITEM NO.</u>	<u>CASE</u>
3**	<p>DOCKET NO. 000795-GU - Petition by Florida Public Utilities Company for approval of unbundled transportation service.</p> <p>Critical Date(s): None (Company waived 60-day suspension date.)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer JB</p> <p>Staff: CMP: Makin, Bulecza-Banks LEG: C. Keating, K. Walker</p> <p><u>Issue 1</u>: Should the Commission grant Florida Public Utilities Company's petition for approval of unbundled transportation service? <u>Recommendation</u>: Yes. The Commission should approve Florida Public Utilities Company's petition for approval of unbundled transportation service effective August 1, 2001.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.</p>

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

4**

DOCKET NO. 001736-EG - Petition for approval of realigned conservation cost recovery factors by Florida Division of Chesapeake Utilities Corporation.

Critical Date(s): 2/5/01 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: S. Brown, B. Casey, C. Bulecza-Banks
LEG: M. Stern

Issue 1: Should the Commission approve Chesapeake's petition for approval of realigned conservation cost recovery factors?

Recommendation: Yes, the Commission should approve Chesapeake's amended petition for approval of realigned conservation cost recovery factors. If approved, the new factors to be used are:

GS-1\TS-1= 4.578 cents/therm	GS-6\TS-6= .963 cents/therm
GS-2\TS-2= 1.734 cents/therm	GS-7\TS-7= .599 cents/therm
GS-3\TS-3= 1.680 cents/therm	GS-8\TS-8= .515 cents/therm
GS-4\TS-4= 1.595 cents/therm	GS-9\TS-9= .471 cents/therm
GS-5\TS-5= 2.061 cents/therm	

Issue 2: What should be the effective date of the conservation cost recovery factors for billing purposes?

Recommendation: The factors should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2001 through December 2001. Billing cycles may start before January 1, 2001, and the last cycle may be read after December 31, 2001, so that each customer is billed for twelve months regardless of when the adjustment factor became effective.

Issue 3: Should this docket be closed?

Recommendation: Yes. The docket should be closed upon the issuance of a Consummating Order if there is no timely protest filed by a person whose substantial interests are affected.

DECISION: The recommendations were approved.

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4**

DOCKET NO. 001736-EG - Petition for approval of realigned conservation cost recovery factors by Florida Division of Chesapeake Utilities Corporation.

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

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<u>ITEM NO.</u>	<u>CASE</u>
5**	<p>DOCKET NO. 000904-GU - Filing of proposed rate schedule FLTS-1, Firm Local Transportation Service, by Indiantown Gas Company.</p> <p>Critical Date(s): None (Company waived 60-day suspension date.)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer BZ</p> <p>Staff: CMP: Makin, Bulecza-Banks LEG: C. Keating, K. Walker</p> <p><u>Issue 1</u>: Should the Commission grant Indiantown Gas Company's petition for approval of rate schedule FLTS-1, Firm Local Transportation Service? <u>Recommendation</u>: Yes. The Commission should approve Indiantown Gas Company's petition for approval of rate schedule FLTS-1, Firm Local Transportation Service, effective January 1, 2001.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Deason, Jacobs, Jaber, Baez, Palecki</p>

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<u>ITEM NO.</u>	<u>CASE</u>
6**PAA	<p>DOCKET NO. 981444-TP - Number Utilization Study: Investigation into Number Conservation Measures.</p> <p>Critical Date(s): 1/22/01 (Start date for number pooling in the 954 area code.) 2/5/01 (Start date for number pooling in the 561 area code.) 4/2/01 (Start date for number pooling in the 904 area code.)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer - Pending</p> <p>Staff: CMP: Ileri LEG: Caldwell</p> <p><u>Issue 1</u>: Should the Commission grant BellSouth's Motion for Variance of Number Pooling Requirement for its 1AESS Switches? <u>Recommendation</u>: No. Staff recommends that the Commission deny BellSouth's Motion for Variance of Number Pooling Requirement for its 1AESS Switches. Staff further recommends that BellSouth be ordered to initiate number pooling in its 1AESS switches, as outlined by a procedure established by NeuStar, with the caveat that once an 1AESS switch has at least 100 assigned number groups or 25 NPA/NXX combinations (whichever occurs first), BellSouth's 1AESS switches should be exempt from the pooling requirement.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. Any person whose interests are substantially affected by the proposed agency action must file a protest of the Commission's decision within the 21- day protest period. If no timely protest is filed, a consummating order shall be issued at the conclusion of the protest period. However, staff recommends that this docket should remain open as other issues remain pending in this docket.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
7**PAA	DOCKET NO. 920260-TL - Comprehensive review of the revenue requirements and rate stabilization plan of Southern Bell Telephone and Telegraph Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer DS

Staff: CMP: Wright, Simmons
ECR: Mailhot
LEG: Elias

Issue 1: Should the Commission approve BellSouth's and the Office of Public Counsel's (OPC) joint motion and stipulation and agreement?

Recommendation: Yes, the Commission should approve the joint motion and stipulation and agreement. In the final report submitted to staff after the refunds are made, pursuant to Rule 25-4.114(7), Florida Administrative Code, BellSouth should include documentation (in the form of a priceout) showing the calculations for the actual refund amounts per type of access line.

Issue 2: Should this docket be closed?

Recommendation: No. If no person whose interests are substantially affected by the proposed action files a protest of the Commission's decision within the 21-day protest period, the Commission's order will become final upon the issuance of a consummating order. Docket No. 920260-TL should, however, remain open pending the completion of the refund and receipt of the final report on the refund. After completion of the refund, the receipt of the final refund report, and receipt by the State of any unrefunded amounts, Docket No. 920260-TL may be closed administratively.

DECISION: The recommendations were approved.

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

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ITEM NO.

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8**PAA

DOCKET NO. 001729-TC - Emergency request for temporary exemption from requirement of Rule 25-24.515, F.A.C., that each pay telephone station shall allow incoming calls, by ETS Payphones, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Dandelake

Issue 1: Should the Commission grant ETS Payphones, Inc. a temporary exemption from the requirement that each telephone station shall allow incoming calls for the 40 pay telephone numbers at the Raymond James Stadium in Tampa as listed on page 4 of staff's December 7, 2000 memorandum?

Recommendation: Yes, the Commission should grant ETS Payphones a temporary exemption to block incoming calls at the pay telephone numbers at the Raymond James Stadium in Tampa from 12:01 a.m., Sunday January 28, 2001, through 12:01 a.m., Monday, January 29, 2001.

Issue 2: Should this docket be closed?

Recommendation: 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.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
9**PAA	<p>DOCKET NO. 001558-TL - Request for waiver of collocation requirements in the Tallahassee-Thomasville Road Central Office by Sprint-Florida, Incorporated.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: T. Watts LEG: Knight</p> <p><u>Issue 1</u>: Should Sprint's Request for Temporary Waiver of Physical Collocation Requirements in the Tallahassee-Thomasville Road central office be granted? <u>Recommendation</u>: Yes, Sprint's Request for Temporary Waiver of Physical Collocation Requirements in the Tallahassee-Thomasville Road central office should be granted until December 31, 2001.</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, this docket should be closed.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
10**	<p>DOCKET NO. 000725-TP - Request by BellSouth Telecommunications, Inc. for approval of one-way interconnection agreement with Tidal Communications, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: Arant LEG: Knight</p> <p><u>Issue 1</u>: Should the Commission vacate Order No. PSC-00-1745-FOF-TP and approve the one-way interconnection agreement as amended by the parties? <u>Recommendation</u>: Yes. The Commission should vacate Order No. PSC-00-1745-FOF-TP, issued September 26, 2000, and approve the one-way interconnection agreement as amended by the parties.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If the Commission approves Issue 1, this docket should be closed upon issuance of the Commission's Order.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
11**	<p>DOCKET NO. 000888-TP - Request by BellSouth Telecommunications, Inc. for approval of one-way interconnection agreement with Superbeepers Electronics, Inc.</p> <p>DOCKET NO. 000905-TP - Request by BellSouth Telecommunications, Inc. for approval of one-way interconnection agreement with Priority Paging, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: Arant LEG: Knight</p> <p><u>Issue 1</u>: Should the Commission reconsider its vote at the October 17, 2000, Agenda Conference and approve the one-way interconnection agreements as amended by the parties? <u>Recommendation</u>: Yes. The Commission should reconsider its vote and approve the one-way interconnection agreements as amended by the parties.</p> <p><u>Issue 2</u>: Should these dockets be closed? <u>Recommendation</u>: Yes. If the Commission approves Issue 1, these dockets should be closed upon issuance of the Commission's Orders.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
12**	<p>DOCKET NO. 001012-TP - Request by BellSouth Telecommunications, Inc. for approval of one-way interconnection agreement and name change amendment with Action Communications, Inc. (f/k/a North American Software Associates, LTD.)</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: Arant LEG: Knight</p> <p><u>Issue 1</u>: Should the Commission reconsider its vote at the October 17, 2000, Agenda Conference and approve the one-way interconnection agreement and name change amendment between BellSouth Telecommunications, Inc. and Action Communications, Inc. (f/k/a North American Software Associates, LTD) as amended by the parties? <u>Recommendation</u>: Yes. The Commission should reconsider its vote and approve the one-way interconnection agreement and name change amendment, as amended by the parties.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If the Commission approves Issue 1, this docket should be closed upon issuance of the Commission's Order.</p>

DECISION: The recommendations were approved.

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

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13**PAA

DOCKET NO. 001323-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 6095 issued to Satlink 3000, Inc. d/b/a Independent Network Services for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Dandelake

Issue 1: Should the Commission impose a \$500 fine or cancel Satlink 3000, Inc. d/b/a Independent Network Services' certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, Certificate No. 6095 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

Issue 2: Should the Commission impose a \$500 fine or cancel Satlink 3000, Inc. d/b/a Independent Network Services' certificate for apparent violation of Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated?

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13**PAA

DOCKET NO. 001323-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 6095 issued to Satlink 3000, Inc. d/b/a Independent Network Services for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

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Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the information required by Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated, and fine are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, Certificate No. 6095 should be canceled administratively.

Issue 3: Should this docket be closed?

Recommendation: Yes. 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 docket should then be closed upon receipt of the fines, fees, and required information or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

14**PAA

Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 001308-TI - U.S. Network Services, Inc.

DOCKET NO. 001319-TI - ECI Communications of Oregon, Inc.

DOCKET NO. 001342-TI - National Data & Communications of Florida, LLC

DOCKET NO. 001354-TI - Arc Phone USA Inc.

DOCKET NO. 001357-TI - Comtel Network LLC

DOCKET NO. 001360-TI - Spartan Communications Corporation of North Carolina

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehrg Officer ADM

Staff: CMP: Isler

LEG: Dandelake

Issue 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on page 5 of staff's December 7, 2000 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificates listed on page 5 should be canceled administratively and the collection of the past due fees

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14**PAA

Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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should be referred to the Office of the Comptroller for further collection efforts.

Issue 2: Should these dockets be closed?

Recommendation: Yes. These dockets should be closed upon receipt of the fine and fees or cancellation of the certificate, 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. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

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CASE

15**PAA

DOCKET NO. 001314-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5665 issued to Payless Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

DOCKET NO. 001324-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7016 issued to ComPlus, L.L.C. of Texas for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Elliott

Issue 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on page 6 of staff's December 7, 2000 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 6 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificates listed on page 6 should be canceled administratively and the collection of the past due

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CASE

15**PAA

DOCKET NO. 001314-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5665 issued to Payless Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

DOCKET NO. 001324-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7016 issued to ComPlus, L.L.C. of Texas for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

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fees should be referred to the Office of the Comptroller for further collection efforts.

Issue 2: Should the Commission impose a \$500 fine or cancel each interexchange telecommunications company's respective certificate as listed on page 6 for apparent violation of Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 6 if the information required by Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated, and fine are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, the certificates listed on page 6 should be canceled administratively.

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15**PAA

DOCKET NO. 001314-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5665 issued to Payless Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

DOCKET NO. 001324-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7016 issued to ComPlus, L.L.C. of Texas for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

(Continued from previous page)

Issue 3: Should these dockets be closed?

Recommendation: Yes. 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, fees, and required information or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
16**	DOCKET NO. 000970-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 4616 issued to K.C.S. Communications, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Elliott

Issue 1: Should the Commission accept the modified settlement offer proposed by K.C.S. Communications, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept the company's modified settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, the company's Certificate No. 4616 should be canceled administratively.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
17**PAA	<p>Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>DOCKET NO. 001316-TI - U.S. Communication Services, Inc. DOCKET NO. 001356-TI - United Telecom, LLC d/b/a UTLC LLC DOCKET NO. 001359-TI - Ozark Telecom, Inc. DOCKET NO. 001362-TI - Sterling Time Company d/b/a STC</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: Isler LEG: Elliott</p> <p><u>Issue 1</u>: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on page 5 of staff's December 7, 2000 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?</p> <p><u>Recommendation</u>: Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificates listed on page 5 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
17**PAA	Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should these dockets be closed?

Recommendation: Yes. These dockets should be closed upon receipt of the fine and fees or cancellation of the certificate, 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. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
18**	DOCKET NO. 001386-TI - Cancellation by Florida Public Service Commission of IXC Certificate No. 7287 issued to Sprawl.net.com Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: VanLeuven

Issue 1: Should the Commission accept the settlement offer proposed by Sprawl.net.com Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7287 should be canceled administratively.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

19**

DOCKET NO. 001318-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 6094 issued to Legends Communications, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 001345-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7154 issued to Telexpress Communications, Inc. d/b/a Telexpress for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: VanLeuven

Issue 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 of staff's December 7, 2000 memorandum to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept each company's respective settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively.

Issue 2: Should these dockets be closed?

Recommendation: Yes. If the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$250 contribution or cancellation of the certificate.

ITEM NO.

CASE

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez, Palecki
20**PAA DOCKET NO. 001312-TI - Cancellation by Florida Public
Service Commission of Interexchange Telecommunications
Certificate No. 5778 issued to Special Accounts Billing
Group, Inc. for violation of Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees; Telecommunications Companies.
DOCKET NO. 001340-TI - Cancellation by Florida Public
Service Commission of Interexchange Telecommunications
Certificate No. 7095 issued to WorldNet Fiber, Inc. for
violation of Rule 25-4.0161, F.A.C., Regulatory Assessment
Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: VanLeuven

Issue 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on page 5 of staff's December 7, 2000 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificates listed on page 5 should be canceled administratively and the collection of the past due

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20**PAA

DOCKET NO. 001312-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5778 issued to Special Accounts Billing Group, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.
DOCKET NO. 001340-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7095 issued to WorldNet Fiber, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

fees should be referred to the Office of the Comptroller for further collection efforts.

Issue 2: Should these dockets be closed?

Recommendation: Yes. 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 fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

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CASE

21**PAA

DOCKET NO. 001344-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7134 issued to Adeptel, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Cibula

Issue 1: Should the Commission impose a \$500 fine or cancel Adeptel, Inc.'s interexchange telecommunications certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's Certificate No. 7134 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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CASE

21**PAA

DOCKET NO. 001344-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7134 issued to Adeptel, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes. 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 docket should then be closed upon receipt of the fine and fees or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
22**PAA	<p>Cancellations by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>DOCKET NO. 001307-TI - Eagle Telecom, Inc. DOCKET NO. 001343-TI - Direct One, Inc. d/b/a Direct One of California, Inc. DOCKET NO. 001363-TI - InterCept Communications Technologies, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: Isler LEG: Isaac</p> <p><u>Issue 1</u>: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on page 5 of staff's December 7, 2000 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?</p> <p><u>Recommendation</u>: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificates listed on page 5 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.</p>

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ITEM NO.

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22**PAA

Cancellations by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should these dockets be closed?

Recommendation: Yes. 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 fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

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CASE

23**PAA

Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 001321-TI - AirTIME Technologies, Inc.

DOCKET NO. 001385-TI - New Edge Network, Inc. d/b/a New Edge Networks

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Walker

Issue 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on page 5 of staff's December 7, 2000 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificates listed on page 5 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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23**PAA

Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should these dockets be closed?

Recommendation: Yes. 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 fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
24**PAA	<p>Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>DOCKET NO. 001320-TI - Travelers Telecom Corporation DOCKET NO. 001337-TI - ACG Telecom Services Incorporated DOCKET NO. 001355-TI - Alliance Network, Inc. d/b/a C2K, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: Isler LEG: Banks</p> <p><u>Issue 1</u>: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on page 5 of staff's December 7, 2000 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?</p> <p><u>Recommendation</u>: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificates listed on page 5 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.</p>

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24**PAA

Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should these dockets be closed?

Recommendation: Yes. 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 fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

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CASE

25**PAA

DOCKET NO. 001339-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7150 issued to New Millennium ConQuest Service Corporation for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and Rule 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Isaac

Issue 1: Should the Commission impose a \$500 fine or cancel New Millennium ConQuest Service Corporation's certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, Certificate No. 7150 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

Issue 2: Should the Commission impose a \$500 fine or cancel New Millennium ConQuest Service Corporation's certificate for apparent violation of Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated?

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25**PAA

DOCKET NO. 001339-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7150 issued to New Millennium ConQuest Service Corporation for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and Rule 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

(Continued from previous page)

Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the information required by Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated, and fine are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, Certificate No. 7150 should be canceled administratively.

Issue 3: Should this docket be closed?

Recommendation: Yes. 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 docket should then be closed upon receipt of the fines, fees, and required information or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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26**PAA

Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

DOCKET NO. 001322-TI - National Phone Corporation
DOCKET NO. 001387-TI - Weststar Communications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Cibula

Issue 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on page 6 of staff's December 7, 2000 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 6 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificates listed on page 6 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

Issue 2: Should the Commission impose a \$500 fine or cancel each interexchange telecommunications company's respective certificate as listed on page 6 for apparent

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26**PAA

Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

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violation of Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 6 if the information required by Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated, and fine are 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 State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, the certificates listed on page 6 should be canceled administratively.

Issue 3: Should these dockets be closed?

Recommendation: Yes. 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, fees, and required information or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
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27**PAA	DOCKET NO. 001287-EI - Petition for approval of a special contract with IMC Phosphates Company for provision of interruptible electric service by Tampa Electric Company.
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Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: E. Draper, Wheeler
LEG: Hart
SER: Bohrmann, Breman, Futrell

Issue 1: Should the Commission approve Tampa Electric Company's Petition for Approval of a Special Contract with IMC Phosphates Company for the Provision of Interruptible Electric Service?

Recommendation: No, the proposed contract should not be approved.

Issue 2: Should TECO's request that the special contract be made effective as of August 31, 2000, be granted?

Recommendation: No. If the Commission approves staff's recommendation on Issue 1, this issue is moot. However, if the Commission approves the special contract, it should take effect no earlier than the date of the Commission vote and should be subject to renewal only with Commission approval.

Issue 3: Should TECO's emergency motion for interim implementation of the special contract with IMC for interruptible service be granted?

Recommendation: No. TECO's motion is moot because the primary case to which it relates is being heard at this agenda.

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. There was no vote taken on Issue No. 2.

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

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27**

DOCKET NO. 001287-EI - Petition for approval of a special contract with IMC Phosphates Company for provision of interruptible electric service by Tampa Electric Company.

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ITEM NO.

CASE

28**PAA

DOCKET NO. 950379-EI - Determination of regulated earnings of Tampa Electric Company pursuant to stipulations for calendar years 1995 through 1999. (Deferred from the 10/17/00 Commission Conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer BZ

Staff: ECR: Merta, P. Lee, D. Draper, C. Romig
LEG: Elias

Issue 1: What is the appropriate rate base for 1999?

Recommendation: The appropriate rate base is \$2,116,831,729.

Issue 2: What is the appropriate capital structure for purposes of measuring earnings for 1999?

Recommendation: For the purpose of measuring earnings under the stipulation, the appropriate capital structure for 1999 is shown on Attachment B of staff's December 7, 2000 memorandum.

Issue 3: What is the appropriate net operating income for 1999?

Recommendation: The appropriate net operating income is \$178,865,684 for 1999.

Issue 4: What is the amount to be refunded?

Recommendation: The amount to be refunded is \$6,102,126, including interest, as of December 31, 2000. Additional interest should be accrued from December 31, 2000, to the time the actual refund is completed.

Issue 5: 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. The order is to cover the arguments heard on retroactive ratemaking.

Commissioner Palecki dissented.

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28**PAA

DOCKET NO. 950379-EI - Determination of regulated earnings of Tampa Electric Company pursuant to stipulations for calendar years 1995 through 1999. (Deferred from the 10/17/00 Commission Conference, revised recommendation filed.)

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

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<u>ITEM NO.</u>	<u>CASE</u>
29**	DOCKET NO. 001579-EI - Petition for approval of a performance guaranty agreement by Florida Power & Light Company.

Critical Date(s): 12/19/00 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: E. Draper
LEG: Stern
SER: Lee

Issue 1: Should the Commission approve Florida Power & Light Company's Petition for Approval of a Performance Guaranty Agreement?

Recommendation: Yes. The proposed tariff should be approved, provided FPL files with the Commission monitoring reports as described in the analysis portion of staff's December 7, 2000 memorandum.

Issue 2: What is the appropriate effective date of the proposed tariff?

Recommendation: The proposed tariff should become effective on December 19, 2000. In the event that a timely protest is filed, the tariff should remain in effect with any increase held subject to refund pending resolution of the protest.

Issue 3: Should this docket be closed?

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

DECISION: The recommendations were approved with the amendment that the first monitoring report is to be filed within six months, then yearly thereafter.

Commissioner Jaber dissented.

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

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CASE

30**

DOCKET NO. 000902-EI - Petition for modification and extension of Experimental Real Time Pricing Rate, Rate Schedule RTP-GX, by Florida Power & Light Company.

Critical Date(s): 3/20/01 (8-month effective date)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: Springer, E. Draper, Wheeler
LEG: Hart

Issue 1: Should the Commission approve Florida Power & Light Company's proposed changes to its Real Time Pricing rate schedule?

Recommendation: Yes.

Issue 2: What is the appropriate effective date of FPL's revised RTP-GX rate schedule?

Recommendation: The revised RTP-GX rate schedule should become effective on April 1, 2001. In the event that a timely protest is filed, the RTP-GX tariff should not be effective until after final resolution of the protest. At the termination of the experiment, customers taking service under the experimental rate schedule should return to their standard otherwise applicable rate schedule.

Issue 3: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

31**PAA

DOCKET NO. 001758-EI - Request for authority to establish a regulatory liability to defer 2000 earnings for disposition in 2001 by Florida Power Corporation.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer - Pending

Staff: ECR: Slemkewicz
LEG: C. Keating

Issue 1: Should the Commission approve FPC's request to establish a regulatory liability to defer 2000 earnings for disposition in 2001?

Recommendation: Yes. The Commission should approve FPC's request to establish a regulatory liability to defer 2000 earnings for disposition in 2001.

Issue 2: Should the Commission approve FPC's request to file a proposal for the disposition of the 2000 deferred earnings by April 2, 2001?

Recommendation: Yes. The Commission should approve FPC's request to file a proposal for the disposition of the 2000 deferred earnings by April 2, 2001. If a proposal is not filed by that date, FPC should be directed to immediately apply any deferred 2000 earnings, plus interest, against the Tiger Bay regulatory asset.

Issue 3: Should this docket be closed?

Recommendation: No. If no person whose substantial interest are affected by the proposed agency action files a protest within 21 days of the issuance of the order, the order will become final upon the issuance of a Consummating Order. This docket should remain open pending the review of any proposal for the final disposition of any deferred 2000 earnings. However, if FPC does not file a proposal by April 2, 2001, this docket should be administratively closed.

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
32**PAA	<p>DOCKET NO. 000467-WU - Application for staff-assisted rate case in Pasco County by Gem Estates Utilities, Inc.</p> <p>Critical Date(s): 9/25/01 (15-month effective date.)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer JB</p> <p>Staff: ECR: Rendell, Butts, Lingo, Ted Davis LEG: Brubaker</p>

(ALL ISSUES PROPOSED AGENCY ACTION EXCEPT ISSUES NOS. 12 AND 13.)

Issue 1: Is the quality of service provided by Gem Estates Utilities, Inc. satisfactory?

Recommendation: Yes. The quality of service provided by Gem Estates Utilities, Inc. should be considered to be satisfactory.

Issue 2: What portions of Gem Estates' water treatment plant and distribution system are used and useful?

Recommendation: Both the water treatment plant and the water distribution system should be considered 100% used and useful.

Issue 3: What is the utility's appropriate average amount of rate base?

Recommendation: The appropriate average amount of rate base should be \$61,840 for the test year. Pro forma plant, as outlined in the analysis portion of staff's December 7, 2000 memorandum, should be completed within six months of the effective date of the Commission Order.

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

Recommendation: The appropriate rate of return on equity should be 9.94% with a range of 8.94% to 10.94% and the appropriate overall rate of return should be 10.28% with a range of 9.59% to 10.96%.

Issue 5: What is the appropriate test year revenue for this utility?

Recommendation: The appropriate test year revenue should be \$12,660.

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32**PAA

DOCKET NO. 000467-WU - Application for staff-assisted rate case in Pasco County by Gem Estates Utilities, Inc.

(Continued from previous page)

Issue 6: What is the appropriate amount of operating expenses for rate setting purposes?

Recommendation: The appropriate amount of operating expenses for rate making purposes should be \$56,281.

Issue 7: What is the appropriate revenue requirement for each system?

Recommendation: The appropriate revenue requirement should be \$62,674 for the test year.

Issue 8: Is a continuation of the utility's current flat rate structure for its water system appropriate in this case, and, if not, what is the appropriate rate structure?

Recommendation: No. A continuation of the utility's current flat rate structure for its water system is not appropriate in this case. The water system rate structure should be changed to a traditional base facility charge (BFC)/gallage charge rate structure with a 10% conservation adjustment.

Issue 9: Is an adjustment to reflect repression of consumption due to the rate structure and price changes appropriate in this case, and, if so, what is the appropriate repression adjustment?

Recommendation: Yes, a repression adjustment of 8,913 kgal is appropriate in this case. In order to monitor the effects of both the change in rate structure and the recommended revenue increase, the utility should be ordered to prepare monthly reports detailing the number of bills rendered, the consumption billed and the revenue billed. These reports should be provided, by customer class and meter size, on a quarterly basis for a period of two years, beginning with the first billing period after the increased rates go into effect.

Issue 10: What is the appropriate billing period for this utility?

Recommendation: The utility should convert its customers from a Commission-approved quarterly billing cycle to monthly billing. This billing change should be noticed to

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32**PAA

DOCKET NO. 000467-WU - Application for staff-assisted rate case in Pasco County by Gem Estates Utilities, Inc.

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the customers along with the other rate changes discussed in Issue 11.

Issue 11: What are the appropriate monthly rates for service?

Recommendation: The recommended rates should be designed to produce revenue of \$62,674 as shown in the staff analysis. The approved Step I rates should be effective for service rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), Florida Administrative Code. The Step I rates should not be implemented until notice has been received by the customers. The utility should provide proof of the date notice was given within 10 days after the date of the notice. Staff should be given administrative authority to approve the Step II tariff sheets upon staff's verification that the water meters have been installed, and that the tariffs are consistent with the Commission's decision.

Issue 12: Should the recommended rates be approved for the utility on a temporary basis in the event of a timely protest filed by a party other than the utility?

Recommendation: Yes, the recommended rates should be approved for the utility on a temporary basis in the event of a timely protest filed by a party other than the utility. The utility should be authorized to collect the temporary rates after staff's approval of the security for potential refund, the proposed customer notice, and the revised tariff sheets.

Issue 13: Should the utility be required to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for its apparent violation of Rule 25-30.115, Florida Administrative Code, for its failure to maintain its books and records in conformance with the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA)?

Recommendation: No. A show cause proceeding should not be initiated. However, the utility should be ordered to maintain its books and records in conformance with the 1996

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32**PAA	DOCKET NO. 000467-WU - Application for staff-assisted rate case in Pasco County by Gem Estates Utilities, Inc.

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NARUC USOA and submit a statement from its accountant by March 31, 2001, along with its 2000 annual report, stating that its books are in conformance with the NARUC USOA and reconciled with the Commission Order.

Issue 14: Should this docket be closed?

Recommendation: No. If no timely protest is received upon expiration of the protest period, the PAA Order will become final and effective upon the issuance of a Consummating Order. However, this docket should remain open for an additional 180 days from the effective date of the Order to allow staff to verify that the utility installed water meters for all customers. Once staff has verified that this work has been completed, the docket should be closed administratively.

DECISION: This item was deferred to the January 16, 2001 Commission Conference.

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33**PAA

DOCKET NO. 992015-WU - Application for limited proceeding to recover costs of water system improvements in Marion County by Sunshine Utilities of Central Florida, Inc. (Deferred from the 11/28/00 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JC

Staff: ECR: Ted Davis, Wetherington, Crouch, B. Davis,
Merchant
LEG: VanLeuven

Issue 1: As proposed in Alternative No. 1, is the elimination of five water treatment plants, the construction of a single water treatment plant, and the proposed interconnection of all five systems by constructing approximately nine miles of transmission mains for the purpose of eliminating contamination problems and meeting development demands prudent and justified?

Recommendation: No. The utility's proposal to eliminate five water treatment plants, construct a single water treatment plant, and interconnect all five systems by constructing approximately nine miles of transmission mains for the purpose of eliminating contamination problems and meeting development demands is not prudent or justified.

Issue 2: Should Alternative No. 1 of this limited proceeding for an increase in rates and charges to all the customers of Sunshine be approved?

Recommendation: No. The proposed expansion will only create a slight improvement to a few of Sunshine's customers, and would not benefit all the customers of Sunshine Utilities. Therefore, the limited proceeding to approve Alternative No. 1 should be denied.

Issue 3: Should Alternative No. 2 to this limited proceeding, whereby the utility will only eliminate four water treatment plants, construct a single water treatment plant, interconnect the four systems with approximately six miles of water mains for the purpose of eliminating contamination problems and meeting development demands, with the rate increase passed on to either all of its customers,

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33**PAA

DOCKET NO. 992015-WU - Application for limited proceeding to recover costs of water system improvements in Marion County by Sunshine Utilities of Central Florida, Inc. (Deferred from the 11/28/00 Commission Conference.)

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or only to the customers of the four affected systems, be approved?

Recommendation: No. Alternative No. 2 should be denied. The proposal in Alternative No. 2, although less involved than Alternative No. 1, has very limited benefit to all of the existing customers of Sunshine Utilities. The major benefit again appears to be to the utility, which would gain a greatly enlarged system capable of serving a larger and a future customer base with limited benefit to the customers of the four systems involved. However, if the Commission approves this alternative, staff recommends that a used and useful analysis be performed and the rates set to collect the majority of the modification costs from the future customers who the utility will be capable of serving after the proposed modifications and interconnections.

Issue 4: Should the Commission, on its own motion, update Sunshine's authorized return on equity (ROE)?

Recommendation: Yes. The utility's authorized ROE should be lowered from 11.89% to 9.38%, with a range of 8.38% to 10.38%, in order to establish a more appropriate return on a going-forward basis.

Issue 5: Should the annual Allowance for Funds Used During Construction (AFUDC) rate for Sunshine be changed?

Recommendation: Yes. The annual AFUDC rate for Sunshine should be changed from 6.50% to 9.04% and the discounted monthly rate should be 0.753021%. The effective date of the new AFUDC rate should be January 1, 2000.

Issue 6: What is the appropriate amount of rate case expense for Docket No. 992015-WU?

Recommendation: Staff recommends that rate case expense for this limited proceeding should be disallowed.

Issue 7: Should this docket be closed?

Recommendation: Yes. If no timely protest is received upon the expiration of the 21-day protest period, the PAA Order

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33**PAA

DOCKET NO. 992015-WU - Application for limited proceeding to recover costs of water system improvements in Marion County by Sunshine Utilities of Central Florida, Inc. (Deferred from the 11/28/00 Commission Conference.)

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will become final upon the issuance of the consummating order, and this docket should be closed.

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

ITEM NO.

CASE

34**

DOCKET NO. 001317-TI - Initiation of show cause proceedings against RJM Card Services, Inc. for apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries; 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure; 25-24.915, F.A.C., Tariffs and Price Lists; 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies; and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: D. Caldwell
CMP: Buys, Trubelhorn

Issue 1: Should the Commission order RJM Card Services, Inc. to show cause why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. Staff recommends that Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 or have certificate number 6096 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period and the fine is not paid within ten business days after the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived and certificate number 6096 should be canceled. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

Issue 2: Should the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$2,000 per violation, for a total of \$6,000, for apparent violations of Rule 25-24.920,

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DOCKET NO. 001317-TI - Initiation of show cause proceedings against RJM Card Services, Inc. for apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries; 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure; 25-24.915, F.A.C., Tariffs and Price Lists; 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies; and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

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Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure?

Recommendation: Yes. Staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$2,000 per violation, for a total of \$6,000, for apparent violations of Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

Issue 3: Should the Commission order RJM to show cause why it should not be fined \$5,000 for apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists?

Recommendation: Yes. Staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$5,000 for apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists. The company's response should contain specific allegations of

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DOCKET NO. 001317-TI - Initiation of show cause proceedings against RJM Card Services, Inc. for apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries; 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure; 25-24.915, F.A.C., Tariffs and Price Lists; 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies; and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

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fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

Issue 4: Should the Commission order RJM to show cause why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. Staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine and the 1999 Regulatory Assessment Fee, including statutory penalty and interest charges, should be deemed assessed. If the fine and the 1999 RAF, including statutory penalty and interest charges, are not paid within ten business days after the 21-day response period, it should be forwarded to

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DOCKET NO. 001317-TI - Initiation of show cause proceedings against RJM Card Services, Inc. for apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries; 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure; 25-24.915, F.A.C., Tariffs and Price Lists; 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies; and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

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the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

Issue 5: Should the Commission order RJM to show cause why it should not be fined \$500 for apparent violation of Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated?

Recommendation: Yes. Staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

Issue 6: Should this docket be closed?

Recommendation: No. If staff's recommendation in Issue 1 is approved, RJM will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its

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CASE

34**

DOCKET NO. 001317-TI - Initiation of show cause proceedings against RJM Card Services, Inc. for apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries; 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure; 25-24.915, F.A.C., Tariffs and Price Lists; 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies; and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

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certificate canceled. If RJM timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If RJM fails to respond to the show cause order or pay the fine within ten business days after the expiration of the 21-day response period, certificate number 6096 should be canceled and this docket may be closed administratively.

If any of staff's recommendations in Issues 2, 3, 4 and 5 are approved, RJM will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed. If RJM timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If the company fails to respond to the show cause order, and the fines and fees, including statutory penalties and interest, are not received within ten business days after the expiration of the 21-day show cause response period, then the fines should be deemed assessed for the violations cited and forwarded to the Comptroller's Office for collection. This docket may then be closed administratively if Issue 1 is closed.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
35**PAA	<p>DOCKET NO. 001669-TI - Joint petition by Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance and NYNEX Long Distance, Inc. d/b/a Verizon Enterprise Solutions for waiver of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: LEG: Caldwell CMP: M. Watts</p> <p><u>Issue 1</u>: Should Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance and Nynex Long Distance, Inc. d/b/a Verizon Enterprise Solutions 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? <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>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
36**	<p>DOCKET NO. 001518-TI - Request by Zone Telecom, Inc., indirect wholly owned subsidiary of e-Kong Group Limited, for approval to acquire selected assets of The Furst Group, Inc. (holder of IXC Certificate No. 3171), and request for variance or waiver of rules.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer BZ</p> <p>Staff: RGO: T. Williams LEG: Elliott</p> <p><u>Issue 1</u>: Should Zone Telecom, Inc. and The Furst Group, Inc.'s request for approval to acquire selected assets from the Furst Group, Inc. be approved? <u>Recommendation</u>: Yes.</p> <p><u>Issue 2</u>: Should Zone Telecom, Inc. 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 3</u>: Should this docket be closed? <u>Recommendation</u>: If no person whose substantial interests are affected by the Commission's Proposed Agency Action files a protest within 21 days of the issuance date of the order, this docket should be closed.</p> <p><u>DECISION</u>: This item was deferred to a later Commission Conference.</p>

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37**

DOCKET NO. 000081-TI - Request by International Exchange Communications, Inc. d/b/a IE COM (holder of IXC Certificate No. 5798) and NOSVA Limited Partnership (holder of IXC Certificate No. 3560) for approval of an asset purchase agreement whereby IE COM will purchase and NOSVA will sell the international operating division of NOSVA, including all customers thereof.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: RGO: T. Williams
LEG: Elliott

Issue 1: Should the Commission correct Order No. PSC-00-2064-FOF-TI that references Orders Nos. PSC-00-0437-PAA-TP and PSC-00-0599-CO-TP and replace the reference with Orders Nos. PSC-00-0437-PAA-TI and PSC-00-0599-CO-TI?

Recommendation: Yes, the Commission should correct Order No. PSC-00-2064-FOF-TI to reference Orders Nos. PSC-00-0437-PAA-TI and PSC-00-0599-CO-TI rather than Orders Nos. PSC-00-0437-PAA-TP and PSC-00-0599-CO-TP?

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of the Commission's Order correcting the Order references as discussed in Issue 1.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
38**PAA	<p>DOCKET NO. 000263-TP - Request for name change on IXC Certificate No. 7255 and ALEC Certificate No. 7256 from Avana Communications Corporation d/b/a AvanaCom to AVANA Communications.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: RGO: T. Williams LEG: K. Peña</p> <p><u>Issue 1</u>: Should Avana Communications Corporation d/b/a AvanaCom's request for a name change to AVANA Communication, be granted? <u>Recommendation</u>: No. Avana Communications Corporation d/b/a AvanaCom's request for a name change to AVANA Communications should be denied.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: If no person whose substantial interests are affected by the Commission's Proposed Agency Action files a protest within 21 days of the issuance date of the order, this docket should be closed upon issuance of a Consummating Order.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Deason, Jacobs, Jaber, Baez, Palecki</p>

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<u>ITEM NO.</u>	<u>CASE</u>
39**	<p>DOCKET NO. 000462-TP - Application for transfer of control of Florida Digital Network, Inc. (holder of ALEC Certificate No. 5715 and IXC Certificate No. 7048) to Elantic Communications, Inc., whereby Florida Digital will become a direct, wholly owned subsidiary of Elantic.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: RGO: T. Williams LEG: Banks</p> <p><u>Issue 1</u>: Should the Commission correct the reference in Order No. PSC-00-2120-FOF-TP to state Consummating Order No. PSC-00-1429-CO-TP is being vacated rather than Order No. PSC-00-1428-CO-TP?</p> <p><u>Recommendation</u>: Yes. Staff recommends that the Commission issue an order to correct the reference in Order No. PSC-00-2120-FOF-TP to state that Consummating Order No. PSC-00-1429-CO-TP is being vacated rather than Order No. PSC-00-1428-CO-TP.</p> <p><u>Issue 2</u>: Should this docket be closed?</p> <p><u>Recommendation</u>: Yes. This docket should be closed upon issuance of the Commission's order correcting that part of Order No. PSC-00-2120-FOF-TP, issued November 7, 2000, discussed in Issue 1.</p>

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

40**

DOCKET NO. 001388-WU - Application for transfer of majority organizational control of Park Water Company Inc., holder of Certificate No. 583-W in Polk County, from Louis Staiano to Anthony Staiano.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JC

Staff: RGO: Johnson, Redemann
LEG: Crosby

Issue 1: Should the transfer of majority organizational control of Park Water Company Inc., from Louis Staiano to Anthony Staiano be approved?

Recommendation: Yes, the transfer of majority organizational control of Park Water Company Inc., from Louis Staiano to Anthony Staiano should be approved. The utility is current on its regulatory assessment fees and annual reports. Mr. Anthony Staiano will be responsible for all future regulatory assessment fees and annual reports.

Issue 2: Should the rates and charges approved for this utility be continued?

Recommendation: Yes. The rates and charges approved for the utility should be continued until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting the change in majority organizational control should be approved and effective for services rendered or connections made on or after the stamped approval date on the tariff sheets.

Issue 3: Should this docket be closed?

Recommendation: Yes, this docket should be closed.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
41**	<p>DOCKET NO. 000973-SU - Application for transfer of Certificate No. 515-S in Polk County from ABCA, Inc. to West Lakeland Utilities, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: RGO: Brady, Rieger LEG: Crosby</p> <p><u>Issue 1</u>: Should the transfer of Certificate No. 515-S from ABCA, Inc., to West Lakeland Utilities, Inc., be approved? <u>Recommendation</u>: Yes. The transfer should be approved. ABCA should be responsible for filing the utility's 2000 Annual Report and remitting the resulting regulatory assessment fees (RAFs) in the time frame and manner prescribed by Commission rules. ABCA should also be responsible for 2001 RAFs up to the closing on the sales transaction. West Lakeland should be responsible for Annual Reports and RAFs from the date of closing forward. Within 30 days of the closing, West Lakeland should provide a recorded warranty deed for the land upon which the utility facilities are located.</p>
PAA	<p><u>Issue 2</u>: What is the rate base of ABCA, Inc., at the time of the transfer? <u>Recommendation</u>: The rate base for the wastewater system as of June 30, 1999, was \$31,392, as established by Order No. PSC-00-1163-PAA-SU.</p>
PAA	<p><u>Issue 3</u>: Should an acquisition adjustment be approved? <u>Recommendation</u>: No. An acquisition adjustment should not be included in the calculation of rate base for transfer purposes.</p> <p><u>Issue 4</u>: Should the rates and charges approved for ABCA, Inc., be continued? <u>Recommendation</u>: Yes. The rates and charges approved for the utility should be continued until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting the transfer should be effective for services rendered or connections made on or after the stamped approval date on the tariff sheets.</p>

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ITEM NO.

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41**

DOCKET NO. 000973-SU - Application for transfer of Certificate No. 515-S in Polk County from ABCA, Inc. to West Lakeland Utilities, Inc.

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Issue 5: Should this docket be closed?

Recommendation: No. If no timely protest is received to the proposed agency action issues, upon the expiration of the protest period a Consummating Order should be issued and the docket should remain open for confirmation of closing and receipt of proof of ownership of the land upon which the utility facilities are located. Upon receipt of a recorded warranty deed in the name of West Lakeland Utilities, Inc., Certificate No. 515-S should be transferred effective the date of closing and the docket should be administratively closed.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
42	<p>DOCKET NO. 991779-EI - Review of the appropriate application of incentives to wholesale power sales by investor-owned electric utilities.</p> <p>Critical Date(s): None</p> <p>Hearing Date(s): 5/1/00, Talla., Prehrg., CL 5/10/00, Talla., GR DS CL JC JB</p> <p>Commissioners Assigned: Full Commission Prehrg Officer - Pending</p> <p>Staff: SER: Harlow, Bohrmann LEG: C. Keating</p> <p><u>Issue 1</u>: Should the Commission grant the Florida Industrial Power Users Group's motion for clarification of parts I and II of Order No. PSC-00-1744-PAA-EI? <u>Recommendation</u>: No. The Florida Industrial Power Users Group's motion for clarification does not seek to clarify any part of Order No. PSC-00-1744-PAA-EI. Instead, it is a request to have the Commission graft into this order new substantive restrictions on IOUs' wholesale sales, a matter that was never put at issue in this proceeding.</p> <p>** <u>Issue 2</u>: Should the Commission set for hearing the protests of the Florida Industrial Power Users Group and Gulf Power Company concerning part III of Order No. PSC-00-1744-PAA-EI? <u>Recommendation</u>: Yes. The protests of the Florida Industrial Power Users Group and Gulf Power Company concerning part III of Order No. PSC-00-1744-PAA-EI should be set for hearing in Docket No. 000001-EI.</p> <p><u>Issue 3</u>: Should this docket be closed? <u>Recommendation</u>: The docket should be closed after the time for filing an appeal has run.</p>

DECISION: The recommendations were approved.

Commissioners Baez and Palecki recused themselves from the vote in Issue 1.

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

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<u>ITEM NO.</u>	<u>CASE</u>
43	<p>DOCKET NO. 991643-SU - Application for increase in wastewater rates in Seven Springs System in Pasco County by Aloha Utilities, Inc.</p> <p>Critical Date(s): None</p> <p>Hearing Date(s): 9/18/00, Talla., Prehrg., JB 10/2 & 3/00, Talla., JC JB BZ 11/2/00, Talla., JC JB BZ</p> <p>Commissioners Assigned: JC JB BZ Prehrg Officer JB</p> <p>Staff: LEG: Fudge, Jaeger ECR: Willis, Fletcher</p> <p><u>Issue 1</u>: Should Aloha's Motion for Reconsideration be granted? <u>Recommendation</u>: No. Aloha's Motion for Reconsideration is premature and should be denied, without prejudice to refile, in accordance with Rule 25-22.060, Florida Administrative Code, after rendition of the Final Order memorializing the Commission's ruling.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. This docket should remain open pending a ruling on Aloha's application for an increase in wastewater rates.</p>

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber, Baez

<u>ITEM NO.</u>	<u>CASE</u>
44	<p>DOCKET NO. 001064-EI - Petition for determination of need for Hines Unit 2 Power Plant by Florida Power Corporation.</p> <p>Critical Date(s): 1/4/01 (Order to be submitted to the Department of Environmental Protection pursuant to Section 403.507(2)(a)2, F.S.)</p> <p>Hearing Date(s): 10/11/00, Tallahassee, Prehrig., JB 10/26 & 27/00, Tallahassee., JC JB BZ</p> <p>Commissioners Assigned: JC JB BZ Prehrig Officer JB</p> <p>Staff: SER: Futrell, Haff, Woodall, McNulty, Breman, Bohrmann CMP: Makin ECR: Lester, Stallcup, Hewitt LEG: Hart, Walker</p> <p><u>Issue 1</u>: Is Florida Power Corporation an "applicant" within the meaning of the Siting Act and Section 403.519, Florida Statutes? <u>Stipulated Position</u>: Yes. FPC is an "applicant" within the meaning of the Siting Act and Section 403.519, Florida Statutes. <u>Recommendation</u>: Staff recommends approval of the stipulation.</p> <p><u>Issue 2</u>: Is the output of the proposed Hines Unit 2 fully committed for use by Florida customers who purchase electrical power at retail rates? <u>Stipulated Position</u>: Yes. The proposed Hines Unit 2 will be fully committed to helping FPC meet its obligation to provide reliable electric service to ratepayers at a reasonable cost. This does not preclude FPC from making wholesale sales inside and outside the state when it is in the best interests of FPC's retail ratepayers. The entire Hines 2 plant will count toward FPC's reserve margin. <u>Recommendation</u>: Staff recommends approval of the stipulation.</p> <p><u>Issue 3</u>: Is there a need for the proposed Hines Unit 2, taking into account the need for electric system reliability</p>

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44 DOCKET NO. 001064-EI - Petition for determination of need for Hines Unit 2 Power Plant by Florida Power Corporation.

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and integrity, as this criterion is used in Section 403.519, Florida Statutes?

Recommendation: Yes. Florida Power Corporation has a need for additional capacity, but the need for Hines Unit 2 is primarily driven by cost-effectiveness as discussed in Issue 7.

Issue 4: Is there a need for the proposed Hines Unit 2, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes?

Recommendation: Yes. As discussed in Issue 3, Hines 2 will contribute to the reliability of FPC's system. The cost of the electricity to be provided by Hines 2 appears to be reasonable based on cost-effectiveness.

Issue 5: Has Florida Power Corporation met the requirements of Rule 25-22.0826, Florida Administrative Code, "Selection of Generating Capacity," by conducting a fair bid process?

Recommendation: Yes. FPC's bidding process complied with Rule 25-22.0826, Florida Administrative Code. Whether the bid process was fair is subjective.

Issue 6: Stricken pursuant to Order No. PSC-00-1933-PCO-EI.

Issue 7: Is the proposed Hines Unit 2 the most cost-effective alternative available, as this criterion is used in Section 403.519?

Recommendation: Yes. Hines 2 appears to be the most cost-effective alternative over the 25 years during which FPC's ratepayers will be obligated for the costs of the unit. FPC should be responsive to unforeseen changes in its forecasts for load, energy, fuel prices, environmental factors and other changes in regulation which may affect continued cost-effectiveness of Hines 2. If the Commission wishes to further explore the policy of obligating customers for the 25-year life of a power plant, a rulemaking docket may be opened.

<u>ITEM NO.</u>	<u>CASE</u>
44	<p>DOCKET NO. 001064-EI - Petition for determination of need for Hines Unit 2 Power Plant by Florida Power Corporation.</p> <p>(Continued from previous page)</p> <p><u>Issue 8</u>: Are there any conservation measures taken by or reasonably available to Florida Power Corporation which might mitigate the need for the proposed power plant? <u>Stipulated Position</u>: There are no conservation measures taken by or reasonably available to FPC which might mitigate the need for the proposed power plant. <u>Recommendation</u>: Staff recommends approval of the stipulation.</p> <p><u>Issue 9</u>: Based on the resolution of the foregoing issues, should the Commission grant Florida Power Corporation's petition to determine the need for the proposed Hines Unit 2? <u>Recommendation</u>: Yes.</p> <p><u>Issue 10</u>: Have all requests for confidentiality been addressed? <u>Recommendation</u>: Yes.</p> <p><u>Issue 11</u>: Should this docket be closed? <u>Recommendation</u>: The docket should be closed after the time for filing an appeal has run.</p>

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber, Baez

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<u>ITEM NO.</u>	<u>CASE</u>
45**	DOCKET NO. 000442-EI - Petition for determination of need for the Osprey Energy Center by Calpine Construction Finance Company, L.P.

Critical Date(s): None

Commissioners Assigned: JC JB BZ
Prehrg Officer JB

Staff: SER: Harlow, Breman, Bohrmann
CMP: Makin
ECR: Lester, Stallcup
LEG: Isaac, Elias

Issue 1: Should Calpine's Notice of Voluntary Dismissal of its Petition for Determination of Need and Request to Close Docket in Docket 000442-EI be acknowledged?

Recommendation: Yes. The Commission should acknowledge Calpine's Notice of Voluntary Dismissal of its Petition for Determination of Need and Request to Close Docket.

Issue 2: Should the Commission, on its own motion, vacate its decision on the motions to dismiss and the emergency motion to abate the Calpine need determination proceeding made at the October 17, 2000, Agenda Conference?

Recommendation: Yes. The Commission should, on its own motion, vacate its decision on the motions to dismiss and the emergency motion to abate Calpine's need determination proceeding made at the October 17, 2000, Agenda Conference. Further, the pending motions addressed in the analysis portion of staff's December 7, 2000 memorandum, should be moot.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, no further action is required. The pending motions are moot and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber, Baez

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