

MINUTES OF

COMMISSION CONFERENCE, TUESDAY, FEBRUARY 1, 2000

COMMENCED: 9:30 a.m.

ADJOURNED: 11:00 a.m.

COMMISSIONERS PRESENT: Chairman Garcia
Commissioner Deason
Commissioner Clark
Commissioner Jacobs

- 1 Approval of Minutes
 November 30, 1999 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

- 2 Consent Agenda
- A) DOCKET NO. 000008-TC - Application for certificate to provide pay telephone service by Michael R. Spence d/b/a Constellation Telecom.
- B) Applications for certificates to provide alternative local exchange telecommunications service.
- DOCKET NO. 991432-TX - StormTel, Inc.
 DOCKET NO. 991676-TX - Twenty Eight Red, Inc. d/b/a Cash America
 DOCKET NO. 991735-TX - Asset Channels-Telecom, Inc.
 DOCKET NO. 991860-TX - Broadslate Networks of Florida, Inc.
 DOCKET NO. 000015-TX - Tel-Phone Communications, Inc.
 DOCKET NO. 990651-TX - P.V. Tel of Florida, LLC
 DOCKET NO. 991702-TX - CTSI, Inc.
 DOCKET NO. 991739-TX - Telebeeper, Inc.
 DOCKET NO. 991767-TX - essential.com, inc.
 DOCKET NO. 991898-TX - BroadBand Office Communications, Inc.
 DOCKET NO. 991935-TX - Metropolitan Telecommunications of Florida, Inc. d/b/a MetTel
 DOCKET NO. 991752-TX - International Telephone Group, Inc.
- C) Applications for certificates to provide interexchange telecommunications service.
- DOCKET NO. 991654-TI - UKI Communications, Inc.

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DOCKET NO. 990650-TI - P.V. Tel of Florida, LLC
DOCKET NO. 991608-TI - PromiseVision Technology, Inc.
DOCKET NO. 991839-TI - NetworkIP, L.L.C.
DOCKET NO. 000010-TI - ezTel Network Service, LLC
DOCKET NO. 991817-TI - Worldwide Gateway, Inc.

D) Requests for cancellation of pay telephone certificates.

DOCKET NO. 991951-TC - Harold A. Lake
DOCKET NO. 991952-TC - MPTM Corporation
DOCKET NO. 991996-TC - Terry H. Moore d/b/a On Line
Communications
DOCKET NO. 992022-TC - Mark Brio
DOCKET NO. 992023-TC - Henry W. Lehwald
DOCKET NO. 992024-TC - John Milton Kinnecom d/b/a John's
Payphone Service
DOCKET NO. 992025-TC - David C. Marriott
DOCKET NO. 992026-TC - Rubens B. Gomez
DOCKET NO. 000009-TC - Charles Anthony Perritt

E) Requests for cancellation of interexchange
telecommunications certificates.

DOCKET NO. 991836-TI - Calls for Less, Inc. d/b/a CfL
DOCKET NO. 991974-TI - Cannect Communications, Inc.

F) Requests for approval of resale agreements.

DOCKET NO. 991685-TP - BellSouth Telecommunications, Inc.
with BellSouth BSE, Inc.
(Critical Date: 2/13/00)
DOCKET NO. 991742-TP - GTE Florida Incorporated with
Credit Loans, Inc. d/b/a Lone Star
State Telephone Co.
(Critical Date: 2/17/00)
DOCKET NO. 991803-TP - GTE Florida Incorporated with
Alliance Network, Inc. d/b/a C2K,
Inc.
(Critical Date: 3/1/00)

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DOCKET NO. 000017-TP - BellSouth Telecommunications, Inc.
with Telebeeper, Inc.
(Critical Date: 4/4/00)

G) Requests for approval of amendments to resale agreements.

DOCKET NO. 991741-TP - BellSouth Telecommunications, Inc.
with Phone Home, Inc.
(Critical Date: 2/17/00)

DOCKET NO. 991769-TP - BellSouth Telecommunications, Inc.
with Best Pre-Paid Telephone
Company, Inc.
(Critical Date: 2/25/00)

DOCKET NO. 991787-TP - BellSouth Telecommunications, Inc.
With Access Integrated Networks,
Inc.
(Critical Date: 2/28/00)

DOCKET NO. 991800-TP - BellSouth Telecommunications, Inc.
with Chapel Services, Inc.
(Critical Date: 2/29/00)

DOCKET NO. 991804-TP - GTE Florida Incorporated with
KingTel, Inc.
(Critical Date: 3/1/00)

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

DOCKET NO. 991722-TP - BellSouth Telecommunications, Inc.
with World Access Communications
Corp.
(Critical Date: 2/10/00)

DOCKET NO. 991744-TP - GTE Florida Incorporated with
PARCOM Communications, Inc.
(Critical Date: 2/17/00)

I) Requests for approval of interconnection agreements.

DOCKET NO. 991736-TP - GTE Florida Incorporated with New
Edge Network, Inc. d/b/a New Edge
Networks
(Critical Date: 2/16/00)

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DOCKET NO. 991743-TP - GTE Florida Incorporated with
Sprint Spectrum L.P.
(Critical Date: 2/17/00)

DOCKET NO. 991796-TP - BellSouth Telecommunications, Inc.
with North American Software
Association, Ltd.
(Critical Date: 2/29/00)

DOCKET NO. 991797-TP - BellSouth Telecommunications, Inc.
with Telebeeper, Inc.
(Critical Date: 2/29/00)

DOCKET NO. 991802-TP - BellSouth Telecommunications, Inc.
with North American Software
Association, Ltd.
(Critical Date: 3/1/00)

J) Requests for approval of amendments to interconnection
agreements.

DOCKET NO. 991749-TP - GTE Florida Incorporated with
BlueStar Networks, Inc.
(Critical Date: 2/18/00)

DOCKET NO. 991805-TP - GTE Florida Incorporated with Kexa
Corp d/b/a Capital Exploration
(Critical Date: 3/1/00)

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

DOCKET NO. 991750-TP - GTE Florida Incorporated with
Business Telecom, Inc. d/b/a BTI
(Critical Date: 2/18/00)

DOCKET NO. 991792-TP - BellSouth Telecommunications, Inc.
with State Communications, Inc.
(Critical Date: 2/29/00)

DOCKET NO. 991793-TP - BellSouth Telecommunications, with
Convergence, Inc.
(Critical Date: 2/29/00)

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DOCKET NO. 991794-TP - BellSouth Telecommunications, Inc.
with U S West !nterprise America,
Inc. d/b/a !nterprise America,
Inc.
(Critical Date: 2/29/00)

L) Requests for approval of collocation agreements.

DOCKET NO. 991798-TP - BellSouth Telecommuncations, Inc.
with MCI Worldcom Network Service,
Inc.
(Critical Date: 2/29/00)

DOCKET NO. 991806-TP - BellSouth Telecommunications, Inc.
with DukeNet Communicatios, Inc.
(Critical Date: 3/1/00)

M) DOCKET NO. 991795-TP - Request by BellSouth
Telecommunications, Inc. for approval of amendment to
existing interconnection, unbundling, resale, and
collocation agreement with Florida Digital Network, Inc.
(Critical Date: 2/29/00)

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 that
Docket No. 000009-TC be issued as a final order instead of proposed
agency action.

Commissisoners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
3	<p>DOCKET NO. 990994-TP - Proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunication Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-4.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.</p> <p>Critical Date(s): None</p> <p>Rule Status: Proposed</p> <p>Commissioners Assigned: Full Commission Prehrg Officer DS</p> <p>Staff: LEG: Caldwell AFA: Hewitt, Causseaux, Romig, Wright CAF: Durbin EAG: Moses, Simmons, Kennedy</p> <p><u>Issue 1</u>: Should the Commission propose amendments to Rules 25-4.003, Florida Administrative Code, Definitions; Rule 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated? <u>Recommendation</u>: Yes. The Commission should propose amendments to Rules 25-4.003, Florida Administrative Code, Definitions; Rule 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If no requests for hearing or comments are filed, the rule amendments as proposed should be filed for adoption with the Secretary of State and the docket closed.</p> <p><u>DECISION</u>: This item was deferred to the February 29, 2000 Commission Conference.</p> <p>Ms. Kim Caswell, representing GTE Florida Incorporated, addressed the Commission.</p>

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3 DOCKET NO. 990994-TP - Proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunication Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-4.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

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Ms. Nancy White, representing BellSouth Telecommunications, Inc., addressed the Commission.

Mr. Charlie Beck, representing the Office of Public Counsel, addressed the Commission.

Mr. Charles Rehwinkel, representing Sprint-Florida, addressed the Commission.

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4 DOCKET NO. 991680-EI - Complaint by The Colony Beach & Tennis Club, Inc. against Florida Power & Light Company regarding rates charged for service between January 1988 and July 1998, and request for refund. (Deferred from the 1/8/00 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: Full Commission
 Prehrg Officer ADM

Staff: LEG: Jaye
 EAG: E. Draper

Issue 1: Should the civil statute of limitations operate as an absolute bar to Colony's petition?

Recommendation: No. The civil statute of limitations does not bar Colony's petition, as asserted by Florida Power & Light Company. Colony's petition for refund does not arise from alleged meter error. It should, therefore, be addressed under Rule 25-6.106(2), Florida Administrative Code.

Issue 2: Should the complaint of Colony Beach & Tennis Club, Inc. against Florida Power & Light Company be set for hearing?

Recommendation: Yes. This docket involves disputed issues of material fact and law which staff believes can best be determined through a formal hearing before the Commission.

Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open until the Commission concludes a full evidentiary hearing on the matter.

DECISION: This matter was deferred to the February 29, 2000 Commission Conference.

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5 DOCKET NO. 990913-EI - Complaint by Regina Walsh against Florida Power Corporation regarding backbilling.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Crossman
CAF: C. Peña
EAG: Ging

Issue 1: Should the Commission find that meter tampering occurred at 11611 Scallop Drive, Port Richey, Florida 34668?
Recommendation: Yes. FPC's report provides prima facie evidence of meter tampering at 11611 Scallop Drive, Port Richey, Florida 34668.

Issue 2: Should the Commission find that Ms. Walsh is responsible for the backbilling totaling \$2,255.06?
Recommendation: Yes. Ms. Walsh was the last customer of record and present at the residence when the rigged meter was discovered. She is the owner of the property, claimed a homestead exemption for this residence, and maintained water service in her name during the entire period in question. Therefore, she is responsible for the backbilling.

Issue 3: Is the backbilling amount reasonable?
Recommendation: Yes. The backbilling amount of \$2,255.06, which includes \$64.13 investigative costs, was calculated by using the average daily usage method.

Issue 4: Should this docket be closed?
Recommendation: Yes.

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

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DOCKET NO. 991754-GP - Petition by Friends of the Aquifer, Inc. to adopt rules necessary to establish safety standards and a safety regulatory program for intrastate and interstate natural gas pipelines and pipeline facilities located in Florida.

Critical Date(s): 2/4/00 (30-day statutory deadline)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: APP: Moore
EAG: Mills

Issue 1: Should the Commission grant the amended petition by Friends of the Aquifer, Inc., to initiate rulemaking to adopt rules stating that it will propose further rules governing safety and environmental standards for intrastate and interstate natural gas pipelines and pipeline facilities?

Recommendation: No. The Commission should deny the amended petition. To the extent that the Commission has jurisdiction and the authority to adopt rules regulating gas pipelines, it has done so.

Issue 2: Should this docket be closed?

Recommendation: Yes.

DECISION: This item was deferred to the February 29, 2000 Commission Conference.

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<u>ITEM NO.</u>	<u>CASE</u>
7	<p>DOCKET NO. 991522-EU - Joint petition for approval of territorial agreement between City of Bushnell and Sumter Electric Cooperative, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer CL</p> <p>Staff: EAG: Breman, D. Lee LEG: Jaye</p> <p><u>Issue 1:</u> Should the parties be required to provide a Florida Department of Transportation Highway County map for the affected county as required by Rule 25-6.0440, Florida Administrative Code? <u>Recommendation:</u> Yes. The parties did not petition for a waiver or variance of Rule 25-6.0440, Florida Administrative Code, which requires parties filing for Commission approval of territorial agreements to file a Florida Department of Transportation General Highway County map for each affected county depicting boundary lines established by the territorial agreement. The parties should file the DOT Highway County map within thirty days of the Commission's vote on this matter.</p> <p><u>Issue 2:</u> Should the Commission approve the Joint Petition for Approval of a Territorial Agreement between the City of Bushnell and Sumter Electric Cooperative, Inc.? <u>Recommendation:</u> Yes, the Territorial Agreement between the City of Bushnell and Sumter Electric Cooperative, Inc., is in the public interest and should be approved.</p> <p><u>Issue 3:</u> Should this docket be closed? <u>Recommendation:</u> If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of issuance of the order, this docket should be closed upon issuance of a consummating order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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DOCKET NO. 991758-GU - Joint petition for approval of territorial boundary agreement by Tampa Electric Company d/b/a Peoples Gas System and Clearwater Gas System, a department of the City of Clearwater in Pinellas County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer GR

Staff: EAG: Brown, Bulecza-Banks, Makin
LEG: Crossman

Issue 1: Should the Commission approve the joint petition by Tampa Electric Company d/b/a Peoples Gas System (Peoples), and Clearwater Gas System (Clearwater), for a territorial boundary agreement in Pinellas County?

Recommendation: Yes. The Commission should approve the joint petition of Peoples and Clearwater Gas for a territorial boundary agreement in Pinellas County.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected files a request for a Section 120.57(1), Florida Statutes, hearing within 21 days of the order, the order will become final and effective upon the issuance of a consummating order. Because no further action will be required, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
9	<p>DOCKET NO. 992029-TI - Initiation of show cause proceedings against Telecommunications Cooperative Network, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: LEG: Vaccaro CMU: Biegalski</p> <p><u>Issue 1</u>: Should Telecommunications Cooperative Network, Inc. be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be imposed or Certificate Number 5808 should not be canceled? <u>Recommendation</u>: Yes. The Commission should order TCN to show cause in writing within 21 days of issuance of the Commission's order why it should not have Certificate Number 5808 canceled or be fined \$10,000 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 or law. If TCN fails to respond to the show cause, and the fine is not paid within 10 business days after the 21-day show cause period, Certificate Number 5808 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.</p> <p><u>Issue 2</u>: Should the Commission order Telecommunications Cooperative Network, Inc. to provide a written response addressing the questions in staff's August 5, 1999, correspondence within ten business days of issuance of the Commission's order? <u>Recommendation</u>: Yes. The Commission should order TCN to provide a written response addressing the questions in staff's August 5, 1999, correspondence (Attachment A of staff's January 20, 2000 memorandum) within ten business days of issuance of the Commission's order. If the information is not provided in accordance with the Commission order, a show cause proceeding may be initiated.</p>

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9 DOCKET NO. 992029-TI - Initiation of show cause proceedings against Telecommunications Cooperative Network, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

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Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then TCN will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not have its certificate canceled or be fined in the amount proposed. If TCN timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. This docket should also remain open pending receipt of the information requested in staff's August 5, 1999, correspondence within ten business days of issuance of the Commission's order.

Staff recommends that if TCN fails to respond to the order to show cause, and the fine is not received within ten business days after the expiration of the show cause response period, the company's certificate should be canceled. If the requested information is not provided within ten business days of the issuance of Commission's order, this docket should remain open pending the initiation of further show cause proceedings. If TCN provides the requested information, and pays the fine recommended in Issue 1, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
10	<p>DOCKET NO. 992031-TI - Initiation of show cause proceedings against Digital Network Services, Inc. d/b/a Digital Network Operator Services, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: LEG: Caldwell CMU: Biegalski</p> <p><u>Issue 1</u>: Should Digital Network Services, Inc. d/b/a Digital Network Operator Services, Inc. be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be imposed or Certificate Number 4450 should not be canceled?</p> <p><u>Recommendation</u>: Yes. The Commission should order Digital to show cause in writing within 21 days of issuance of the Commission's order why it should not have Certificate Number 4450 canceled or be fined \$10,000 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 or law. If Digital fails to respond to the show cause, and the fine is not paid within 10 business days after the 21-day show cause period, Certificate Number 4450 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.</p> <p><u>Issue 2</u>: Should the Commission order Digital Network Services, Inc. d/b/a Digital Network Operator Services, Inc. to provide a written response addressing the questions in staff's July 29, 1999, correspondence (Attachment A to staff's January 20, 2000 memorandum) within ten business days of issuance of the Commission's order?</p> <p><u>Recommendation</u>: Yes. The Commission should order Digital to provide a written response addressing the questions in staff's July 29, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order. If the information is not provided in accordance with the Commission order, a show cause proceeding may be initiated.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
10	DOCKET NO. 992031-TI - Initiation of show cause proceedings against Digital Network Services, Inc. d/b/a Digital Network Operator Services, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

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Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Digital will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not have its certificate canceled or be fined in the amount proposed. If Digital timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. This docket should also remain open pending receipt of the information requested in staff's July 29, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order.

Staff recommends that if Digital fails to respond to the order to show cause, and the fine is not received within ten business days after expiration of the show cause response period, the company's certificate should be canceled. If the requested information is not provided within ten business days of issuance of the Commission's order, this docket should remain open pending the initiation of further show cause proceedings. If Digital provides the requested information, and pays the fine recommended in Issue 1, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
11	<p>DOCKET NO. 992032-TI - Initiation of show cause proceedings against Public Payphone U.S.A., Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: LEG: Fordham CMU: Biegalski</p> <p><u>Issue 1</u>: Should Public Payphone U.S.A., Inc. be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be imposed or Certificate Number 5810 should not be canceled?</p> <p><u>Recommendation</u>: Yes. The Commission should order Public to show cause in writing within 21 days of issuance of the Commission's order why it should not have Certificate Number 5810 canceled or be fined \$10,000 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 or law. If Public fails to respond to the show cause, and the fine is not paid within 10 business days after the 21-day show cause period, Certificate Number 5810 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.</p> <p><u>Issue 2</u>: Should the Commission order Public Payphone U.S.A., Inc. to provide a written response addressing the questions in staff's August 9, 1999, correspondence (Attachment A to staff's January 20, 2000 memorandum) within ten business days of issuance of the Commission's order?</p> <p><u>Recommendation</u>: Yes. The Commission should order Public to provide a written response addressing the questions in staff's August 9, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order. If the information is not provided in accordance with the Commission order, a show cause proceeding may be initiated.</p>

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11 DOCKET NO. 992032-TI - Initiation of show cause proceedings against Public Payphone U.S.A., Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

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Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Public will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not have its certificate canceled or be fined in the amount proposed. If Public timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. This docket should also remain open pending receipt of the information requested in staff's August 9, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order.

Staff recommends that if Public fails to respond to the order to show cause, and the fine is not received within ten business days after expiration of the show cause response period, the company's certificate should be canceled. If the requested information is not provided within ten business days of issuance of the Commission's order, this docket should remain open pending the initiation of further show cause proceedings. If Public provides the requested information, and pays the fine recommended in Issue 1, this docket should be closed.

DECISION: The recommendations for this item were withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
12	<p>DOCKET NO. 000036-TI - Initiation of show cause proceedings against USLD Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: LEG: B. Keating CMU: Biegalski</p> <p><u>Issue 1</u>: Should USLD Communications, Inc. be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be imposed or Certificate Number 2469 should not be canceled?</p> <p><u>Recommendation</u>: Yes. The Commission should order USLD to show cause in writing within 21 days of issuance of the Commission's order why it should not have Certificate Number 2469 canceled or be fined \$10,000 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 or law. If USLD fails to respond to the show cause, and the fine is not paid within 10 business days after the 21-day show cause period, Certificate Number 2469 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.</p> <p><u>Issue 2</u>: Should the Commission order USLD Communications, Inc. to provide a written response addressing the questions in staff's May 25, 1999, correspondence (Attachment A to staff's January 20, 2000 memorandum) within ten business days of issuance of the Commission's order?</p> <p><u>Recommendation</u>: Yes. The Commission should order USLD to provide a written response addressing the questions in staff's May 25, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order. If the information is not provided in accordance with the Commission order, a show cause proceeding may be initiated.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
12	DOCKET NO. 000036-TI - Initiation of show cause proceedings against USLD Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

(Continued from previous page)

Issue 3: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then USLD will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not have its certificate canceled or be fined in the amount proposed. If USLD timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. This docket should also remain open pending receipt of the information requested in staff's May 25, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order.

Staff recommends that if USLD fails to respond to the order to show cause, and the fine is not received within ten business days after expiration of the show cause response period, the company's certificate should be canceled. If the requested information is not provided within ten business days of issuance of the Commission's order, this docket should remain open pending the initiation of further show cause proceedings. If USLD provides the requested information, and pays the fine recommended in Issue 1, this docket should be closed.

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

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<u>ITEM NO.</u>	<u>CASE</u>
13	<p>DOCKET NO. 000034-TI - Initiation of show cause proceedings against Carib Comm, Limited Partnership for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: Biegalski LEG: Clemons</p> <p><u>Issue 1</u>: Should Carib Comm, Limited Partnership be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be imposed or Certificate Number 3569 should not be canceled?</p> <p><u>Recommendation</u>: Yes. The Commission should order Carib to show cause in writing within 21 days of issuance of the Commission's order why it should not have Certificate Number 3569 canceled or be fined \$10,000 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 or law. If Carib fails to respond to the show cause, and the fine is not paid within 10 business days after the 21-day show cause period, Certificate Number 3569 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.</p> <p><u>Issue 2</u>: Should the Commission order Carib Comm, Limited Partnership to provide a written response addressing the questions in staff's August 2, 1999, correspondence (Attachment A to staff's January 20, 2000 memorandum) within ten business days of issuance of the Commission's order?</p> <p><u>Recommendation</u>: Yes. The Commission should order Carib to provide a written response addressing the questions in staff's August 2, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order. If the information is not provided in accordance with the Commission order, a show cause proceeding may be initiated.</p>

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13 DOCKET NO. 000034-TI - Initiation of show cause proceedings against Carib Comm, Limited Partnership for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 3: Should the Commission fine Carib Comm, Limited Partnership \$500 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 for failure to comply with Rule 25-4.0161, Florida Administrative Code. The fine should be remitted within ten business days after 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 fees, including statutory penalty and interest charges, are not received, ~~they should be forwarded to the Office of the Comptroller for collection~~ the company's certificate should be cancelled administratively.

Issue 4: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then Carib will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not have its certificate canceled or be fined in the amount proposed. If Carib timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. This docket should also remain open pending receipt of the information requested in staff's August 2, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order and to process any protest to Issue 3 that may be filed within 21 days of issuance of the order by a person whose substantial interests are affected by the Commission's proposed agency action.

Staff recommends that if Carib fails to respond to the order to show cause and the fine is not received within ten business days after expiration of the show cause response period, the company's certificate should be canceled. If no

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13 DOCKET NO. 000034-TI - Initiation of show cause proceedings against Carib Comm, Limited Partnership for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

timely protest of Issue 3 is filed, the fine imposed in Issue 3 and fees, including statutory penalty and interest charges, should be forwarded to the Comptroller's Office for collection, and this docket may be closed administratively upon issuance of a consummating order.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
14	<p>DOCKET NO. 000035-TI - Initiation of show cause proceedings against American Network Exchange, Inc. d/b/a AMNEX for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: Biegalski LEG: Fordham</p> <p><u>Issue 1</u>: Should American Network Exchange, Inc. d/b/a AMNEX be ordered to show cause why a fine of \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, should not be imposed or Certificate Number 1527 should not be canceled? <u>Recommendation</u>: Yes. The Commission should order AMNEX to show cause in writing within 21 days of issuance of the Commission's order why it should not have Certificate Number 1527 canceled or be fined \$10,000 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 or law. If AMNEX fails to respond to the show cause, and the fine is not paid within 10 business days after the 21-day show cause period, Certificate Number 1527 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.</p> <p><u>Issue 2</u>: Should the Commission order American Network Exchange, Inc. d/b/a AMNEX to provide a written response addressing the questions in staff's August 2, 1999, correspondence (Attachment A to staff's January 20, 2000 memorandum) within ten business days of the issuance of Commission's order? <u>Recommendation</u>: Yes. The Commission should order AMNEX to provide a written response addressing the questions in staff's August 2, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order. If the information is not provided in accordance with the Commission order, a show cause proceeding may be initiated.</p>

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14 DOCKET NO. 000035-TI - Initiation of show cause proceedings against American Network Exchange, Inc. d/b/a AMNEX for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 3: Should the Commission fine American Network Exchange, Inc. d/b/a AMNEX \$500 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 for failure to comply with Rule 25-4.0161, Florida Administrative Code. The fine should be remitted within ten business days after 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 statutory penalty and interest charges are not received, ~~they should be forwarded to the Office of the Comptroller for collection~~ the company's certificate should be cancelled administratively.

Issue 4: Should this docket be closed?

Recommendation: If staff's recommendation in Issue 1 is approved, then AMNEX will have 21 days from issuance of the Commission's show cause order to respond in writing why it should not have its certificate canceled or be fined in the amount proposed. If AMNEX timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. This docket should also remain open pending receipt of the information requested in staff's August 2, 1999, correspondence (Attachment A) within ten business days of issuance of the Commission's order and to process any protest to Issue 3 that may be filed within 21 days of issuance of the order by a person whose substantial interests are affected by the Commission's Proposed Agency Action.

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<u>ITEM NO.</u>	<u>CASE</u>
14	DOCKET NO. 000035-TI - Initiation of show cause proceedings against American Network Exchange, Inc. d/b/a AMNEX for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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Staff recommends that if AMNEX fails to respond to the order to show cause and the fine is not received within ten business days after expiration of the show cause response period, the company's certificate should be canceled. If no timely protest of Issue 3 is filed, the fine imposed in Issue 3 and statutory penalty and interest charge, should be forwarded to the Comptroller's Office for collection, and this docket may be closed administratively upon issuance of a consummating order.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
15	<p>DOCKET NO. 991565-TI - Request for cancellation of Interexchange Telecommunications Certificate No. 5743 by PREMIO Inc., effective 10/5/99.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: T. Williams LEG: Stern</p> <p><u>Issue 1</u>: Should Order No. PSC-99-2253-PAA-TI, issued November 18, 1999, in Docket No. 991565-TI, be vacated? <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 the Commission's vacating order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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ITEM NO.

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DOCKET NO. 991546-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4751 issued to Capital Services of South Florida, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.
DOCKET NO. 991569-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5180 issued to Bell Holdings International Corporation d/b/a MobiS Communications 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: CMU: Isler
LEG: K. Peña, B. Keating

Issue 1: Should the Commission impose a \$500 fine or cancel the interexchange telecommunications certificates issued to each company listed on page 4 of staff's January 20, 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 listed on page 4 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 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 interexchange telecommunications certificates listed on page 4 should be canceled administratively.

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16 DOCKET NO. 991546-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4751 issued to Capital Services of South Florida, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.
DOCKET NO. 991569-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5180 issued to Bell Holdings International Corporation d/b/a MobiS Communications 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 issuance of the proposed agency action order.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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ITEM NO.

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DOCKET NO. 991523-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5297 issued to Jerry La Quiere d/b/a LEC-Link 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: CMU: Isler
LEG: K. Peña, B. Keating

Issue 1: Should the Commission grant Jerry La Quiere d/b/a LEC-Link a voluntary cancellation of ALEC Certificate No. 5297?

Recommendation: No. The Commission should not grant the company a voluntary cancellation of its ALEC certificate. The Commission should cancel the company's certificate on its own motion, effective on the date of issuance of the consummating order.

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 issuance of the proposed agency action order.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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ITEM NO.	CASE
18	DOCKET NO. 991348-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5974 issued to Parallel Foundation, 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 JC Staff: CMU: Isler LEG: K. Peña, B. Keating <u>Issue 1:</u> Should the Commission accept the settlement offer proposed by Parallel Foundation, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies? <u>Recommendation:</u> 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, the company's certificate should be canceled administratively. <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 upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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19 DOCKET NO. 990909-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3383 issued to B. and I. Coffee Shop, 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: CMU: Isler
LEG: K. Peña, B. Keating

Issue 1: Should the Commission accept the settlement offer proposed by B. and I. Coffee Shop, 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, the company's certificate 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: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
20	<p>DOCKET NO. 980918-TC - Application for certificate to provide pay telephone service by Florida Billsouth Telephone Company.</p> <p>Critical Date(s): None</p> <p>Hearing Date(s): 3/5/99, Talla., Prehrg., JN 3/17/99, Talla., GR DS CL JN JC 11/29/99, Talla., GR CL JC</p> <p>Commissioners Assigned: Full Commission Prehrg Officer GR</p> <p>Staff: CMU: Williams LEG: B. Keating, K. Peña</p> <p><u>Issue 1</u>: Should the Commission grant Florida Billsouth Telephone Company an application for a certificate to provide pay telephone service in Florida? <u>Recommendation</u>: No. Granting Mr. Pelletier's application is not in the public interest in accordance with Rule 25-24.511(4), Florida Administrative Code.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If the Commission approves staff's recommendation in Issue 1, no further action remains to be taken. This docket may, therefore, be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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ITEM NO.

CASE

21 DOCKET NO. 991861-TI - Refund of overcharges by Coastal Telephone Company for overtiming intrastate long distance services, and initiation of show cause proceedings against Cincinnati Bell Inc. (formerly Eclipse Telecommunications, Inc., formerly Coastal Telephone Company) for Coastal's violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer GR

Staff: LEG: Fordham
AFA: Samaan
CMU: Trubelhorn

Issue 1: Should the Commission accept Coastal Telephone Company's offer to refund and refund calculation of \$4,892.36, plus interest of \$410.45, for a total of \$5,302.81, for overcharging subscribers by overtiming calling card intrastate long distance calls from March 1998 through March 1999?

Recommendation: Yes. The Commission should accept Coastal's offer to refund and refund calculation of \$4,892.36, adding interest of \$410.35, for a total of \$5,302.81, for overcharging subscribers by overtiming calling card intrastate long distance calls from March 1998 through March 1999. The refund payment should be remitted to the Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), F.S., within 5 business days after issuance of the consummating order.

Issue 2: Should the Commission accept the company's settlement offer to resolve Coastal's apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should accept the company's settlement offer of \$2,500 for apparent violation of Rule 25-4.043, Response to Commission Staff Inquiries. Any contribution should be received by the Commission within ten business days from the issuance date of the Commission order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General

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ITEM NO.

CASE

21 DOCKET NO. 991861-TI - Refund of overcharges by Coastal Telephone Company for overtiming intrastate long distance services, and initiation of show cause proceedings against Cincinnati Bell Inc. (formerly Eclipse Telecommunications, Inc., formerly Coastal Telephone Company) for Coastal's violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

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Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open pending remittance of the refund payment and resolution of any protest of Issue 1 filed within 21 days of issuance of the order by a person whose substantial interests are affected by the Commission's proposed agency action. If Issue 1 is not protested, it will become final and effective upon the issuance of a consummating order.

This docket should also remain open pending remittance of the \$2,500 voluntary contribution. Upon remittance of the settlement payment, this docket should be closed. If the company fails to pay in accordance with the terms of the settlement offer, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket may be closed administratively upon issuance of the order consummating Issue 1.

DECISION: This item was deferred to the February 15, 2000 Commission Conference.

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<u>ITEM NO.</u>	<u>CASE</u>
22	<p>DOCKET NO. 990784-TI - Application for certificate to provide interexchange telecommunications service by Quest Telecommunications, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer CL</p> <p>Staff: CMU: Williams LEG: K. Peña</p> <p><u>Issue 1</u>: Should a certificate be granted to Quest Telecommunications, Inc. to provide interexchange telecommunication service within the State of Florida? <u>Recommendation</u>: No.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. Tthis docket should be closed upon issuance of a consummating order unless a person whose substantial interests are affected by the Commission's proposed agency action files a written protest within 21 days of the issuance date of the proposed agency action order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
23	<p>DOCKET NO. 990649-TP - Investigation into pricing of unbundled network elements.</p> <p>Critical Date(s): 5/1/00 (compliance with Order FCC 99-306)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer JC</p> <p>Staff: CMU: Ollila, Dowds LEG: Clemons, B. Keating</p> <p><u>Issue 1</u>: Should the Commission approve the Joint Stipulation Regarding Interim Deaveraging? <u>Recommendation</u>: Yes, the Commission should approve the Joint Stipulation Regarding Interim Deaveraging.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. This docket should remain open pending the outcome of the two hearings, scheduled for July and September 2000, for the purpose of setting permanent UNE rates.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
24	<p>DOCKET NO. 981992-WS - Application for transfer of majority organizational control of Sandy Creek Utilities, Inc., holder of Certificate Nos. 514-W and 446-S in Bay County, from Sandy Creek Properties, Inc. to Mr. Gary L. Souders.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer JC</p> <p>Staff: WAW: Clapp LEG: Crosby</p> <p><u>Issue 1</u>: Should the Commission grant Mr. Gary L. Souders' request for an extension of time to provide the warranty deeds required by Order No. PSC-99-1232-FOF-WS? <u>Recommendation</u>: Yes. The Commission should grant Mr. Gary L. Souders' request for an extension of time in which to file recorded copies of warranty deeds for the land upon which the utility facilities are located, as required by Order No. PSC-99-1232-FOF-WS. As requested, the utility should be allowed an additional six months to provide copies of the warranty deeds.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. This docket should remain open until Mr. Souders files recorded copies of the deeds required by Order No. PSC-99-1232-FOF-WS. Once the deeds have been filed, this docket should be closed administratively.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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ITEM NO.

CASE

25 DOCKET NO. 981022-WS - Disposition of CIAC gross-up funds collected during the years 12/31/87 through 12/31/96 in Duval County by Ortega Utility Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer GR

Staff: WAW: McCaskill
AFA: Causseaux
LEG: Jaeger

Issue 1: Should Ortega Utility Company be required to refund excess gross-up collections for the years ended December 31, 1987 through December 31, 1996?

Recommendation: Yes. The utility over-collected CIAC gross-up monies for 1987 through 1994. However, based on past stipulations, staff recommends that the Commission accept Ortega's request that it be allowed to recover 50% of the legal and accounting costs that relate to preparation of the gross-up refund reports for 1987 through 1994. Due to an adjustment that was made in the utility's last rate case, staff calculated the refunds for 1987 through 1994 differently in this case than in previous gross-up cases. Staff recommends that the Commission accept staff's alternative calculation for 1987 through 1994. If the Commission approves staff's recommendation, staff calculates a refund of \$11,378 for 1987 through 1994. The utility under-collected CIAC gross-up for 1995 and 1996. Therefore, no refund is required for those years.

In accordance with Orders Nos. 16971 and 23541, all amounts should be refunded on a pro rata basis to those persons who contributed the taxes. The refunds should be completed within six months of the effective date of the Order. The utility should submit copies of canceled checks or other evidence which verifies that the refunds have been made, within 30 days from the date of the refund. Within 30 days from the date of the refund, the utility also should provide a list of unclaimed refunds detailing contributor and amount, and an explanation of the efforts made to make the refund. After staff's verification and review of the refund process, any unclaimed refunds shall be delivered to the State of Florida Comptroller's Office.

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<u>ITEM NO.</u>	<u>CASE</u>
25	DOCKET NO. 981022-WS - Disposition of CIAC gross-up funds collected during the years 12/31/87 through 12/31/96 in Duval County by Ortega Utility Company. (Continued from previous page) <u>Issue 2:</u> Should this docket be closed? <u>Recommendation:</u> No. Upon expiration of the protest period, if a timely protest is not filed by a substantially affected person, the Order should become final and effective upon the issuance of a Consummating Order. The docket should remain open pending verification of the refund and that any unclaimed refunds have been delivered to the State of Florida Comptroller's Office as abandoned property. Staff should be granted administrative authority to close the docket upon verification that the refunds have been made in accordance with the Commission order.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

ITEM NO.

CASE

26

DOCKET NO. 991835-WS - Application for allowance for funds prudently invested (AFPI) charge for additional water improvements and for additional lines associated with wastewater extension into George Mayo subdivision in Marion County, by Tradewinds Utilities, Inc.

Critical Date(s): 8/4/00 (8-month effective date) (AFPI)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: WAW: Willis, Rendell, Butts
LEG: Brubaker

Issue 1: Should Tradewinds Utilities, Inc. be authorized to collect wastewater AFPI charge, and if so, what are the appropriate charges?

Recommendation: Yes, Tradewinds Utilities, Inc. should be authorized to collect wastewater AFPI charges. The appropriate AFPI charges should be those recommended in the analysis portion of staff's January 20, 2000 memorandum. Therefore, Wastewater Original Tariff Sheet No. 16.2 which was filed by the utility on December 6, 1999 should be approved as filed. The wastewater AFPI charges should be effective on or after the stamped approval date of the tariff sheet, provided future customers have been noticed pursuant to Rule 25-30.475(2), Florida Administrative Code. The beginning date of the AFPI charges should be January 1, 1999. If this recommendation is approved by the Commission, in event of a protest, staff recommends that wastewater Tariff Sheet No. 16.2 containing AFPI charges for the George Mayo Subdivision should be placed in effect, subject to refund, pending resolution of the protest. In no event should the rates be effective for services rendered prior to the stamped approval date.

Issue 2: In the event of a protest, what is the appropriate form of security to guarantee the revenues associated with the wastewater AFPI charges?

Recommendation: In the event of a protest, the utility should be required to file an escrow agreement to guarantee any of the wastewater AFPI charges collected subject to refund. Pursuant to an escrow agreement, the utility would be required to deposit the monthly amount of any AFPI charges collected. Pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility should provide a report by

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<u>ITEM NO.</u>	<u>CASE</u>
26	<p>DOCKET NO. 991835-WS - Application for allowance for funds prudently invested (AFPI) charge for additional water improvements and for additional lines associated with wastewater extension into George Mayo subdivision in Marion County, by Tradewinds Utilities, Inc.</p> <p>(Continued from previous page)</p> <p>the 20th day of each month indicating the monthly revenues collected subject to refund.</p> <p><u>Issue 3</u>: Should the utility's proposed water AFPI charges be suspended?</p> <p><u>Recommendation</u>: Yes. The utility's proposed water AFPI charges should be suspended pending further investigation by staff.</p> <p><u>Issue 4</u>: Should this docket be closed?</p> <p><u>Recommendation</u>: No. This docket should remain open to allow staff time to require further amplification and explanation of the utility's water AFPI proposal.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
27	<p>DOCKET NO. 991693-WU - Petition for approval of allowance-for-funds-used-during-construction (AFUDC) rate in Marion County by Sunshine Utilities of Central Florida, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer DS</p> <p>Staff: WAW: B. Davis, Merchant LEG: Brubaker</p> <p><u>Issue 1:</u> Should the requested annual AFUDC rate for Sunshine be approved? <u>Recommendation:</u> No. The requested annual AFUDC rate for Sunshine should be approved at 6.50%, in accordance with Rule 25-30.116, Florida Administrative Code, effective October 1, 1999, with a discounted monthly AFUDC rate of .541505%.</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 if there are no protests filed within 21 days from the date of the proposed agency action order by a person whose substantial interests are affected.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

<u>ITEM NO.</u>	<u>CASE</u>						
28	<p>DOCKET NO. 991902-SU - Investigation into the wastewater rates of Commercial Utilities, Division of Grace & Company, Inc., in Duval County.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer GR</p> <p>Staff: WAW: B. Davis, Merchant LEG: Fudge</p> <p><u>Issue 1:</u> Should the Commission initiate an overearnings investigation of Commercial Utilities, Division of Grace & Company Inc.?</p> <p><u>Recommendation:</u> Yes, the Commission should initiate an investigation of the composition and level of wastewater rates to determine potential overearnings.</p> <p><u>Issue 2:</u> Should any amount of annual wastewater revenue be held subject to refund, and, if so, what is the appropriate amount?</p> <p><u>Recommendation:</u> Yes, the utility should hold annual wastewater revenues of \$53,860 subject to refund. The following amounts are recommended:</p> <table><tbody><tr><td>1998 Revenue</td><td>\$350,194</td></tr><tr><td>Amount Subject to Refund</td><td>\$ 53,860</td></tr><tr><td>Percent Subject to Refund</td><td>15.38%</td></tr></tbody></table> <p><u>Issue 3:</u> What is the appropriate security to guarantee the amount subject to refund?</p> <p><u>Recommendation:</u> The utility should be required to file a corporate undertaking to guarantee the amount subject to refund. The corporate undertaking should be in the amount of \$45,000. Pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility should be required to provide a report by the 20th of each month indicating the monthly and total revenue collected subject to refund. The utility should be put on notice that failure to comply with these requirements will result in the initiation of a show cause proceeding.</p>	1998 Revenue	\$350,194	Amount Subject to Refund	\$ 53,860	Percent Subject to Refund	15.38%
1998 Revenue	\$350,194						
Amount Subject to Refund	\$ 53,860						
Percent Subject to Refund	15.38%						

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<u>ITEM NO.</u>	<u>CASE</u>
28	<p>DOCKET NO. 991902-SU - Investigation into the wastewater rates of Commercial Utilities, Division of Grace & Company, Inc., in Duval County.</p> <p>(Continued from previous page)</p> <p><u>Issue 4</u>: Should this docket be closed? <u>Recommendation</u>: No. This docket should remain open pending staff's investigation of the utility's earnings for 1999 and the results of staff's investigation and analysis into all other outstanding matters.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Garcia, Deason, Clark, Jacobs</p>

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<u>ITEM NO.</u>	<u>CASE</u>
28A	DOCKET NO. 990037-EI - Petition of Tampa Electric Company to close Rate Schedules IS-3 and IST-3, and approve new Rate Schedules GSLM-2 and GSLM-3.

Critical Date(s): None

Commissioners Assigned: GR DS CL
Prehrg Officer CL

Staff: EAG: Ging, Goad
AFA: Slemkewicz
LEG: C. Keating

Issue 1: Should the Settlement Stipulation filed by Florida Industrial Power Users Group, Coronet Industries Inc., and Tampa Electric Company be approved?

Recommendation: Yes, subject to the following interpretations: (1) that the Commission can close the IS-3, IST-3, and SBI-3 rates in the next rate case based on the record evidence in that case and (2) the agreement allows TECO to rotate interruptions as needed, and does not require them to interrupt all interruptible customers. The order approving the agreement should reflect these two interpretations.

Issue 2: Should this docket be closed?

Recommendation: Yes. Absent a timely appeal of the Commission's final order, no further Commission action will be required and the docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark

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ITEM NO.

CASE

29 DOCKET NO. 980119-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief.

Critical Date(s): None

Hearing Date(s): 3/11/98, OA, Talla., JC
 4/17/98, Prehrg., Talla., JC
 4/30/98, Talla., DS GR JC

Commissioners Assigned: GR DS JC
 Prehrg Officer JC

Staff: LEG: B. Keating
 AFA: Vinson
 CMU: Favors
 PAI: Clark-Watts

Issue 1: Has BellSouth Telecommunications, Inc. complied in full with Order No. PSC-98-1001-FOF-TP, as clarified by Order No. PSC-98-1467-FOF-TP?

Recommendation: No. BellSouth has complied with all portions of the Commission's final decision in this case, Order No. PSC-98-1001-FOF-TP, issued July 22, 1998, as clarified by Order No. PSC-98-1467-FOF-TP, issued October 28, 1998, except for the Commission's specific requirements that BellSouth should provide Supra with on-line edit checking capability by December 31, 1998. Staff recommends, however, that the Commission acknowledge that BellSouth has made significant developments in its OSS since the time that the Commission rendered its final decision, including TAG, Robo-TAG, and LENS '99. Thus, while it appears that BellSouth is not literally in compliance, technology has been developed that may provide on-line edit checking. Nevertheless, it would not be appropriate for the Commission to revisit its decision in this case to consider these newly developed alternatives in response to BellSouth's Notice of Compliance.

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29

DOCKET NO. 980119-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief.

(Continued from previous page)

Issue 2: Should this Docket be closed?

Recommendation: No. Whether or not the Commission approves staff's recommendation in Issue 1, no further determinations will remain to be made by the Commission. However, this Docket should remain open pending the outcome of the federal proceeding.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
30	<p>DOCKET NO. 981781-SU - Application for amendment of Certificate No. 247-S to extend service area by the transfer of Buccaneer Estates in Lee County to North Fort Myers Utility, Inc.</p> <p>Critical Date(s): None</p> <p>Hearing Date(s): 8/30/99, Prehrg., Talla., JC 9/8/99, Prehrg., Talla., JC 10/13/99, Ft. Myers, DS CL JC 11/16/99, Talla., DS CL JC</p> <p>Commissioners Assigned: DS CL JC Prehrg Officer JC</p> <p>Staff: LEG: Brubaker, Cibula WAW: Messer, Redemann</p> <p><u>Issue 1</u>: Should the Commission grant the requests made by Mr. Ludington and Messrs. Gill and Devine for oral argument on their respective Motions for Reconsideration? <u>Recommendation</u>: No. The requests for oral argument on the respective motions for reconsideration should be denied.</p> <p><u>Issue 2</u>: Should the Commission grant Mr. Ludington's Motion for Reconsideration? <u>Recommendation</u>: Mr. Ludington's Motion for Reconsideration of Order No. PSC-99-2444-AS-SU should be granted in part and denied in part. The Motion should be granted in part, and Order No. PSC-99-2444-AS-SU should be amended to clarify that the Motion for Dismissal of Settlement Agreement filed by Mr. Ludington was denied by virtue of the fact that the Commission approved the NFMU/OPC Agreement. The Commission found by Order No. PSC-99-2444-AS-SU that the NFMU/OPC Agreement provided a fair and reasonable resolution of the matter and was persuaded by the fact that the utility and the representatives of the citizens jointly endorsed the proposed offer of settlement. Mr. Ludington's Motion for Reconsideration should otherwise be denied.</p> <p><u>Issue 3</u>: Should the Commission grant Mr. Gill and Mr. Devine's joint Motion to Reconsider and Rehear? <u>Recommendation</u>: No. The Commission should deny Mr. Gill and Mr. Devine's joint Motion to Reconsider and Rehear.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
30	DOCKET NO. 981781-SU - Application for amendment of Certificate No. 247-S to extend service area by the transfer of Buccaneer Estates in Lee County to North Fort Myers Utility, Inc.

(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issues 2 and 3, this docket should be closed.

DECISION: The recommendation for Item No. 1. was denied and the recommendations for Issues Nos. 2, 3 and 4 were approved with an oral modification made by staff, at the conference, to Issue No. 2 that the Motion to Strike filed by Mr. Gill was also effectively ruled upon at the hearing.

Mr. Martin Friedman, representing North Fort Myers Utility, Inc., addressed the Commission.

Mr. Ronald Ludington, Mr. Donald Gill and Mr. Joseph Devine, customers, addressed the Commission.

Commissioners participating: Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
31	<p>DOCKET NO. 990975-SU - Application for transfer of Certificate No. 281-S in Lee County from Bonita Country Club Utilities, Inc. to RealNor Hallandale, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: DS JC Prehrg Officer JC</p> <p>Staff: LEG: VanLeuven WAW: Messer, Johnson, Redemann</p> <p><u>Issue 1:</u> Should Realnor Hallandale's Motion for Summary Final Order be approved? <u>Recommendation:</u> Yes. Realnor Hallandale's Motion for Summary Final Order should be approved, and thus the objection of Mr. Miceli, President of BCCU, should be dismissed.</p> <p><u>Issue 2:</u> If the Commission denies staff on Issue 1, what are the appropriate monthly expenses to be released from the escrow account for the purpose of operating Bonita Country Club Utilities, pending final resolution of the ownership interest? <u>Recommendation:</u> While the issue of ownership is being determined, the terms of the escrow agreement established in Order No. PSC-99-2107-PCO-SU should be modified to ensure the continued operation of the utility. The modified escrow agreement should result in BCCU compensating Realnor Hallandale in the amount of \$9,383 each month from the escrow account for the monthly operations of the utility. In addition, after BCCU has compensated Realnor Hallandale for the monthly operations of the utility, BCCU should be compensated in the amount of \$5,703 each month for the billing services provided. BCCU should submit the 1998 annual report and regulatory assessment fee along with the required penalty and interest without further delay.</p> <p><u>Issue 3:</u> If the Commission denies staff on Issue 1, should a separate escrow account be established for the purpose of collecting Contributions In Aid of Construction (CIAC)? <u>Recommendation:</u> Yes, a separate escrow account should be established for the purpose of CIAC collections. All CIAC monies currently being held in escrow pursuant to Commission Order No. PSC-99-2107-PCO-SU should be deposited in the CIAC escrow account to be established. Any other CIAC received by BCCU should be deposited within seven days of</p>

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<u>ITEM NO.</u>	<u>CASE</u>
31	DOCKET NO. 990975-SU - Application for transfer of Certificate No. 281-S in Lee County from Bonita Country Club Utilities, Inc. to RealNor Hallandale, Inc.

(Continued from previous page)

its receipt in the CIAC escrow account to be established. BCCU should be put on notice that failure to comply with these requirements will result in the initiation of a show cause proceeding.

Issue 4: Should this docket be closed?

Recommendation: No. This docket should remain open pending the final disposition of the transfer application.

DECISION: The recommendations for Issues Nos. 1 and 4 were approved. Based on the decision in Issue No. 1, Issues Nos. 2 and 3 were rendered moot and no vote was taken.

Mr. Dave Erwin, representing RealNor Hallandale, Inc., addressed the Commission.

Commissioners participating: Deason, Jacobs

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