

MINUTES OF FEBRUARY 4, 2003

COMMISSION CONFERENCE

COMMENCED: 9:35 a.m.

ADJOURNED: 5:15 p.m.

COMMISSIONERS PARTICIPATING: Chairman Jaber
Commissioner Deason
Commissioner Baez
Commissioner Bradley
Commissioner Davidson

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

1Approval of Minutes

January 3, 2003 Special Commission Conference

January 7, 2003 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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ITEM NO.

CASE

2**Consent Agenda

PAA A) Applications for certificates to provide alternative local exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
030009-TX	Alticom, Inc.
021202-TX	ACN Communication Services, Inc.
021195-TX	Metro Teleconnect Companies, Inc.
021194-TX	Symtelco, LLC

PAA B) Applications for certificates to provide interexchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
021221-TI	Universal Phone Corporation
021242-TI	WDT World Discount Telecommunications Co.
021026-TI	ILD Telecommunications, Inc. d/b/a ILD Teleservices
021250-TI	Epixtar Communications Corp.
021152-TI	Smart Network Solutions Communications Corp
021230-TI	American Utility Systems, Inc.

PAA C) Application for certificate to provide shared tenant services.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
021229-TS	American Utility Systems, Inc.

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2** Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
021241-TC	A & G Investment Property, Inc.
021240-TC	Miami-Dade County Fair & Exposition, Inc.

PAA E) Request for cancellation of interexchange telecommunications certificate.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
030047-TI	InterNext Communications, Inc.	12/23/02

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

DECISION: The recommendation was approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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ITEM NO.

CASE

3Docket No. 001574-EQ - Proposed amendments to Rule 25-17.0832, F.A.C., Firm Capacity and Energy Contracts.

Critical Date(s): None

Rule Status: Adoption

Commissioners Assigned: Full Commission

Prehearing Officer: Baez

Staff: GCL: Bellak

ECR: Harlow, Hewitt

ISSUE 1: Should the Commission withdraw the current rulemaking to amend Rule 25-17.0832?

RECOMMENDATION: Yes. The current rulemaking to amend Rule 25-17.0832 should be withdrawn.

ISSUE 2: Should the Commission re-propose the amendment of Rule 25-17.0832?

RECOMMENDATION: Yes. The amendment of Rule 25-17.0832 should be re-proposed.

ISSUE 3: Should the current docket remain open?

RECOMMENDATION: Yes. The current docket should remain open.

DECISION: The recommendations were approved with modification to Issue 2, correcting the division name to "Division of Economic Regulation."

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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ITEM NO.

CASE

4**PAADocket No. 030030-EI - Complaint of Charo Rojo against
Florida Power & Light Company for alleged overbilling and
damages to equipment.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: GCL: Fordham
AUS: Ruehl
CAF: Hicks

ISSUE 1: Should the Commission dismiss the complaint of Ms.
Charo Rojo?

RECOMMENDATION: Yes. The Commission should dismiss the
complaint of Ms. Charo Rojo.

ISSUE 2: Should this Docket be closed?

RECOMMENDATION: If no person whose substantial interests
are affected by the proposed agency action files a protest
within 21 days of the issuance of the order, this docket
should be closed upon the issuance of a consummating order.

DECISION: This item was deferred.

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ITEM NO.

CASE

5**Docket No. 021248-EI - Complaint against Florida Power & Light Company for allegedly being misinformed and mistreated by company employees and for improper use of his land without a legally recorded easement, by Robert Shuhi.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: GCL: Jaeger
CAF: Plescow
ECR: Kummer

ISSUE 1: Should the Commission dismiss Complaint No. 447560E filed by Mr. Robert Shuhi against Florida Power & Light Company?

RECOMMENDATION: Yes. The Commission should dismiss Complaint No. 447560E filed by Mr. Shuhi, as the gravamen of that complaint is that he is seeking a determination of whether Florida Power & Light Company had an easement, and whether he should be awarded damages for the improper use of his land and damage to the palm trees.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves Issue 1 above, then the Commission has no authority or jurisdiction to act on Mr. Shuhi's complaint and there are no further actions to be taken. Therefore, the docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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ITEM NO.

CASE

5A**Docket No. 021066-WS - Investigation into proposed sale of Florida Water Services Corporation.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Baez

Staff: GCL: Holley

ECR: Daniel, Kummer

ISSUE 1: Should FWSC be required to file an application for approval of its proposed transfer, pursuant to Section 367.071(1), Florida Statutes, and Rule 25-30.037(2), Florida Administrative Code, prior to the proposed closing date of February 14, 2003?

RECOMMENDATION: Yes. FWSC should be required to file an application for approval of its proposed transfer, as required by Section 367.071(1), Florida Statutes, and Rule 25-30.037(2), Florida Administrative Code. The application should be filed no later than Friday, February 7, 2003.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending staff's investigation of the proposed sale.

DECISION: The recommendations were approved. The application is to address questions raised at the conference regarding approval of the transfer as a matter of right, public interest standards, non-profit organizations, and governmental authorities. The Commission determined that the existing contingency language in the sales contract is inadequate to protect consumers and that the sale of assets is prohibited prior to Commission approval of the transfer application or Commission approval of contingency language that protects the consumers. The parties are encouraged to continue negotiations to meet all concerns discussed at the conference. Additionally, on the Commission's own motion, the docket is to be set for hearing.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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ITEM NO.

CASE

6**Docket No. 020664-TI - Compliance investigation of bigredwire.com, Inc. for apparent violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.
Docket No. 021089-TI - Application for certificate to provide interexchange telecommunications service by bigredwire.com, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Buys, Williams
GCL: Banks, Dodson

ISSUE 1: Should the Commission accept the settlement offer proposed by bigredwire.com, Inc. (Bigredwire) which includes a contribution of \$7,500 to the State General Revenue Fund, to be paid in 12 monthly installments of \$100 each, and a final payment of \$6,300 due at the end of the twelfth month, to resolve the apparent violations of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. The first \$100 installment of the contribution should be received by the Commission within fourteen calendar days from the issuance date of the Order. Thereafter, each of the eleven remaining \$100 monthly installments should be received by the last business day of each month, and the final installment of \$6,300 should be received by February 27, 2004. Each payment should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund. Each payment should also identify the docket number and company name. If the company fails to comply with the payment terms set forth in its settlement proposal, staff will initiate further proceedings.

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6**

Docket No. 020664-TI - Compliance investigation of bigredwire.com, Inc. for apparent violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Docket No. 021089-TI - Application for certificate to provide interexchange telecommunications service by bigredwire.com, Inc.

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PAA

ISSUE 2: Should the Commission grant bigredwire.com, Inc. (Bigredwire) a certificate to provide interexchange telecommunications service within the state of Florida in Docket No. 021089-TI?

RECOMMENDATION: Yes. The Commission should grant Bigredwire Certificate of Public Convenience and Necessity No. 8275 to provide IXC service within the state of Florida in Docket No. 021089-TI.

ISSUE 3: Should Docket No. 020664-TI be closed?

RECOMMENDATION: If the Commission approves staff's recommendation on Issue 1, Docket No. 020664-TI should remain open pending remittance of Bigredwire's contribution totaling \$7,500. The docket should be closed administratively upon receipt of the company's last installment of \$6,300. If the Commission denies staff's recommendation on Issue 1, Docket No. 020664-TI should remain open pending a resolution to the rule violations.

ISSUE 4: Should Docket No. 021089-TI be closed?

RECOMMENDATION: Docket No. 021089-TI 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: This item was deferred to the 2/18/03 conference.

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ITEM NO.

CASE

7**PAADocket No. 021162-TI - Cancellation by Florida Public Service Commission of IXC Certificate No. 7979 issued to TalkNow, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
GCL: Dodson

ISSUE 1: Should the Commission grant TalkNow, Inc. a voluntary cancellation of Interexchange Carrier Certificate No. 7979 to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.480, Florida Administrative Code?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of December 13, 2002. If the company's certificate is cancelled in accordance with the Commission's Order from this recommendation, TalkNow, Inc. should be required to immediately cease and desist providing Interexchange Carrier service in Florida.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The docket should then be closed upon issuance of the Consummating Order.

DECISION: This item was deferred.

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ITEM NO.

CASE

8**Docket No. 020768-TC - Cancellation by Florida Public Service Commission of PATS Certificate No. 3328 issued to Pay Phone Systems for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
GCL: Dodson

ISSUE 1: Should the Commission grant Pay Phone Systems a voluntary cancellation of Pay Telephone Certificate No. 3328 to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of December 13, 2002. If the company's certificate is cancelled in accordance with the Commission's Order from this recommendation, Pay Phone Systems should be required to immediately cease and desist providing pay telephone service in Florida.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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9**Docket No. 020807-TC - Cancellation by Florida Public Service Commission of PATS Certificate No. 7424 issued to Phonexpert, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
GCL: Teitzman

ISSUE 1: Should the Commission accept the settlement offer proposed by Phonexpert, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.505, Florida Administrative Code?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within fourteen (14) calendar 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. 7424 should be canceled administratively. If Phonexpert, Inc.'s certificate is cancelled in accordance with the Commission's Order from this recommendation, Phonexpert, Inc. should be required to immediately cease and desist providing pay telephone service in Florida.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: 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: Jaber, Deason, Baez, Bradley, Davidson

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ITEM NO.

CASE

10**PAADocket No. 021190-TL - Petition for extension of time to use 780 and 203 NXXs in 386 and 772 NPAs as oddball codes, by BellSouth Telecommunications, Inc.

Critical Date(s): Commission granted extension for BellSouth Company-Specific Oddball Codes until March 31, 2003.

Commissioners Assigned: Full Commission
Prehearing Officer: Bradley

Staff: CMP: Ileri, Bulecza-Banks, Casey, Kelly
GCL: Taylor, Knight

ISSUE 1: Should the Commission grant BellSouth's request to extend the use of the 203 oddball code until July 31, 2003?

RECOMMENDATION: Yes. Staff recommends that the Commission grant BellSouth's request to extend the use of the 203 oddball codes until July 31, 2003. All 203 NXX codes should then be returned to NANPA on or before July 31, 2003.

ISSUE 2: Should the Commission grant BellSouth's request to continue the use of the 780 oddball code until December 31, 2003, and delay the return of the 780 oddball codes to NANPA until December 31, 2004?

RECOMMENDATION: Staff recommends that the Commission grant BellSouth's request to continue the use of the 780 oddball code until December 31, 2003. However, staff recommends that the Commission deny BellSouth's request to delay the return of the 780 oddball codes until December 31, 2004, and recommends that the 780 oddball codes be returned to NANPA on or before March 31, 2004.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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<u>ITEM NO.</u>	<u>CASE</u>
11**Docket No.	020890-TI - Request for approval of intracorporate reorganization due to debt restructuring whereby Counsel Springwell Communications LLC, which currently holds 68% indirect interest in WorldxChange Corp. (holder of IXC Cert. No. 7570), will acquire 100% indirect interest in WorldxChange Corp.
	Critical Date(s): None
	Commissioners Assigned: Full Commission Prehearing Officer: Administrative
	Staff: CMP: Pruitt GCL: Teitzman
	<u>ISSUE 1:</u> Should Order No. PSC-02-1386-PAA-TI issued October 8, 2002, and Order No. PSC-02-1501-CO-TI issued November 4, 2002, be vacated? <u>RECOMMENDATION:</u> Yes. The Commission should vacate Order No. PSC-02-1386-PAA-TI issued October 8, 2002, and Order No. PSC-02-1501-CO-TI issued November 4, 2002.
	<u>ISSUE 2:</u> Should this docket be closed? <u>RECOMMENDATION:</u> Yes. This docket should be closed upon the issuance of the Commission's vacating Order.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

ITEM NO.

CASE

12**PAADocket No. 010906-GU - Request for approval of depreciation study for five-year period 1996 through 2000 by Sebring Gas System, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Davidson

Staff: ECR: P. Lee
AUS: Mills
GCL: Stern

ISSUE 1: Should the current depreciation rates for Sebring Gas System, Inc. be changed?

RECOMMENDATION: Yes. A review of the company's plans and activity indicates a need for a revision in the currently prescribed depreciation rates.

ISSUE 2: What should be the implementation date for revised depreciation rates?

RECOMMENDATION: Staff recommends approval of the company-proposed January 1, 2002, date of implementation for revised depreciation rates.

ISSUE 3: What are the appropriate depreciation rates?

RECOMMENDATION: Staff's recommended lives, net salvages, reserves, resultant depreciation rates, and recovery schedules are shown on Attachment A of staff's January 23, 2003 memorandum. Attachment B shows a resultant decrease in annual expenses of approximately \$12,000 based on January 1, 2002, investments.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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13**PAADocket No. 020566-EI - Petition for approval of recovery schedule for two Gannon Station generating units, effective January 1, 2002, by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Davidson

Staff: ECR: P. Lee
GCL: C. Keating

ISSUE 1: Should the recovery schedule for Gannon Units 1 and 2, approved for preliminary implementation by Order No. PSC-02-1236-PCO-EI, be revised?

RECOMMENDATION: Yes. Staff recommends that TECO's proposed recovery schedule for Gannon Units 1 and 2, reflecting the near term retirement of the related assets, be approved as modified in Attachment A of staff's January 23, 2003 memorandum to reflect a cessation of the currently approved annual dismantlement accrual. The recovery schedule and dismantlement revision should be effective January 1, 2002. Additionally, TECO should true up 2002 expenses to reflect the resultant decrease in annual expenses of about \$148,000 from that approved for preliminary implementation by Order No. PSC-02-1236-PCO-EI.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendations were approved with the modification made at the conference to Issue 1.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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<u>ITEM NO.</u>	<u>CASE</u>
14**Docket No.	010869-WS - Application for staff-assisted rate case in Marion County by East Marion Sanitary Systems, Inc.
	Critical Date(s): None
	Commissioners Assigned: Full Commission
	Prehearing Officer: Davidson
	Staff: ECR: Fitch, Davis GCL: Jaeger
	<u>ISSUE 1</u> : Should the utility's request for an extension to complete the required pro forma fence replacement be approved?
	<u>RECOMMENDATION</u> : Yes. The utility's request for an extension to complete the required pro forma fence replacement should be approved. The utility has requested an additional 120 days (April 15, 2003) to complete the fence replacement. If the utility does not complete the pro forma fence replacement by April 15, 2003, staff will bring a recommendation before the Commission to reduce rates associated with the pro forma addition.
	<u>ISSUE 2</u> : Should this docket be closed?
	<u>RECOMMENDATION</u> : No. This docket should not be closed. It should remain open pursuant to Order No. PSC-02-1168-PAA-WS, issued August 26, 2002, in Docket No. 010869-WS. If the utility completes the fence replacement by April 15, 2003, and meets the land requirements pursuant to the above-referenced order, the docket should be closed administratively upon staff's verification that the replacement has been completed and the land requirements have been met.
	<u>DECISION</u> : This item was withdrawn.

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<u>ITEM NO.</u>	<u>CASE</u>
15**Docket No.	020982-WS - Application for amendment of Certificate Nos. 340-W and 297-S to add and delete territory in Pasco County by Mad Hatter Utility, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: ECR: Walden
GCL: Crosby, Helton

ISSUE 1: Should the Commission grant Mad Hatter's application to amend Certificates Nos. 340-W and 297-S?
RECOMMENDATION: Yes. The Commission should grant the application and recognize the Agreement for Exchange of Service Territory, and amend Mad Hatter Utility, Inc.'s Certificates Nos. 340-W and 297-S. The territory recommended for deletion is shown on Attachment A of staff's January 23, 2003 memorandum, and the area recommended for amendment is shown on Attachment B. Mad Hatter should charge the customers in the territory added herein the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Because no further action is necessary, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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<u>ITEM NO.</u>	<u>CASE</u>
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16**Docket No. 021238-WS - Investigation of rate structure and conservation initiative of Little Sumter Utility Company in Sumter County, pursuant to Order PSC-00-0582-TRF-SU.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Bradley

Staff: ECR: Bruce
GCL: Harris

ISSUE 1: Should the utility be required to continue to escrow funds as security?

RECOMMENDATION: Yes. The utility should continue to escrow gallonage revenues collected from the second tier rate in excess of the gallonage revenue requirement until the evaluation is completed.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open until staff further evaluates the rate structure and conservation initiative and brings this matter back for the Commission's review.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

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ITEM NO.

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17Docket No. 020413-SU - Initiation of show cause proceedings against Aloha Utilities, Inc. in Pasco County for failure to charge approved service availability charges, in violation of Order No. PSC-01-0326-FOF-SU and Section 367.091, Florida Statutes.

Critical Date(s): None

Commissioners Assigned: Jaber, Deason, Baez, Bradley
Prehearing Officer: Deason

Staff: GCL: Gervasi
ECR: Fletcher, Merchant, Willis

ISSUE 2: Should Aloha's Request for Oral Argument on its Motion to Strike or, in the Alternative, Response in Opposition to Adam Smith's Motion for Reconsideration be granted?

RECOMMENDATION: Yes. The Request for Oral Argument should be granted. Parties should be allotted ten minutes each to address the Commission.

ISSUE 2: Should Adam Smith's Motion for Reconsideration of Order No. PSC-02-1774-FOF-SU Granting Aloha's Motion for Emergency Relief be granted?

RECOMMENDATION: No. Adam Smith's Motion for Reconsideration should be denied. Nevertheless, Aloha should be required to provide notice to all potentially affected developers that by Order No. PSC-02-1774-FOF-SU, the Commission allowed Aloha to immediately backbill developers who connected to its system from May 23, 2001, until April 16, 2002 and to hold those monies subject to refund with interest, pending the conclusion of this proceeding. Moreover, Aloha's Motion to Strike Adam Smith's Motion for Reconsideration should be denied.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending final resolution of the protests filed to the PAA portions of Order No. PSC-02-1250-SC-SU.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley

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18**Docket No. 021069-TP - Request for approval of adoption of language in existing interconnection agreement between NuVox Communications, Inc. (f/k/a Trivergent Communications, Inc.) and BellSouth Telecommunications, Inc., to serve as amendment to existing interconnection agreement between Supra Telecommunications and Information Systems, Inc. and BellSouth.

Critical Date(s): None

Commissioners Assigned: Deason, Baez, Davidson
Prehearing Officer: Davidson

Staff: GCL: Teitzman
CMP: Simmons

ISSUE 1: Should the Commission approve Supra Telecommunications and Information Systems, Inc.'s request to adopt Section 15 of Attachment 6 of the interconnection agreement entered into by BellSouth Telecommunications, Inc. and NuVox Communications, Inc. (f/k/a Trivergent Communications Inc.)?

RECOMMENDATION: Yes. Consistent with Sections 252(e)(1) and 252(i) of the Telecommunications Act of 1996, the Commission should approve Supra's request to adopt Section 15 of Attachment 6 of the interconnection agreement entered into by BellSouth and NuVox.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Whether the Commission approves or denies staff's recommendation in Issue 1, this docket should be closed.

DECISION: The recommendations were denied. The order is to be issued as PAA, and the docket is to remain open pending expiration of the PAA protest period.

Commissioners participating: Deason, Baez, Davidson