

MINUTES OF
COMMISSION CONFERENCE, TUESDAY, FEBRUARY 6, 2001
COMMENCED: 9:30 a.m.
ADJOURNED: 4:00 p.m.

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

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

1 Approval of Minutes
December 5, 2000 Regular Commission Conference.

DECISION: The minutes were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez

2** Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001777-TC	Gracia Inzerillo
001778-TC	D H A Enterprises, Inc.
001782-TC	SkyTalkwest Telecom, LLC
010009-TC	Angel Cruz d/b/a Newstar Communications
010010-TC	Sandra K. Strohl
010011-TC	Bhavanaben S Patel and Sureshchandra S Patel d/b/a Cozy Court Motel
010028-TC	Carlton Palms Condominium Association, Inc.
010064-TC	Dixon, Inc. d/b/a Dixon Telecom

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PAA	B) Applications for certificates to provide alternative local exchange telecommunications service.
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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001735-TX	GoBeam Services, Inc.
001784-TX	VIVO-FLA, LLC
001819-TX	nii communications, Ltd.
001571-TX	Lyxom, Inc.
001812-TX	Vitcom Corporation
001746-TX	North County Communications Corporation

PAA	C) DOCKET NO. 001559-TA - Application for certificate to provide alternative access vendor services by Southeastern Services, Inc.
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PAA	D) Applications for certificates to provide interexchange telecommunications service.
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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001649-TI	Comm South Companies, Inc. d/b/a Florida Comm South
001737-TI	GoBeam Services, Inc.
001756-TI	The Ultimate Connection, L.C. d/b/a TAPCO. The Alternative Phone Company
000864-TI	GRG, Inc. Of Nevada
001348-TI	UniPlex Telecom Technologies, Incorporated
001752-TI	Telstar International, Inc. d/b/a Telstar USA, Inc.
001727-TI	Paxx Telecom, LLC

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DOCKET NO.	COMPANY NAME
001785-TI	VIVO-FLA, LLC
001570-TI	Global One Communications Inc.
000629-TI	OnePoint Services, L.L.C. d/b/a R.C.P. Services
001676-TI	Pacific Centrex Services, Inc.

PAA E) DOCKET NO. 001827-TI - Request for cancellation of IXC Certificate No. 5281 by Efficacy Group, Inc., effective December 26, 2000.

PAA F) DOCKET NO. 001807-TP - Request for cancellation of ALEC Certificate No. 7445 and IXC Certificate No. 7376 by BroadSpan Communications, Inc. d/b/a Primary Network Communications, Inc., effective December 19, 2000.
 DOCKET NO. 010036-TP - Request for cancellation of ALEC Certificate No. 7225 and IXC Certificate No. 7226 by Prism Florida Operations, LLC, effective January 5, 2001.

G) Requests for approval of resale agreements.

DOCKET NO.	COMPANY NAME	CRITICAL DATE
001651-TP	ALLTEL Florida, Inc.; Southern Telemanagement Group, Inc. <u>Vision Pre-paid Services</u>	04/18/01
001770-TP	Positive Investments, Inc. d/b/a Reconnection Plus, Inc.; Sprint-Florida, Incorporated	03/08/01

H) Request for approval of first amendment to resale agreement.

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001767-TP	MET Communications, Inc.; Verizon Florida Inc.	03/08/01

I) Requests for approval of interconnection agreements.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001772-TP	Sprint-Florida, Incorporated; Telepak, Inc. d/b/a Cellular South	03/08/01
001773-TP	Powertel; Sprint-Florida, Incorporated	03/08/01

J) Request for approval of amendment to interconnection and resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001811-TP	KMC Telecom II, Inc.; Sprint- Florida, Incorporated	03/20/01

K) Request for approval of interconnection, unbundling, resale and collocation agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001769-TP	Interloop, Inc.; Verizon Florida Inc.	03/08/01

PAA

L) DOCKET NO. 010025-TI - Request for approval of planned acquisition of all assets and control of Coast International, Inc. (Holder of IXC Certificate No. 2446),

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a wholly owned subsidiary of eGlobe, Inc., by Internet Services Provider Network, Inc.

PAA M) DOCKET NO. 010062-TI - Petition for approval of indirect change in control of Americatel Corporation d/b/a 10 123 Americatel d/b/a 1010 123 Americatel (holder of IXC Certificate No. 5313) due to change in majority organizational control of Entel Chile S.A., majority owner of Americatel through its wholly-owned subsidiary, Entel International, B.V.I.

PAA N) Requests for exemption from Rule 25-24.515(13), F.A.C., which requires all pay telephones to allow incoming calls.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
001816-TC	BellSouth Public Communications, Inc.	904-808-9921
		904-808-9976
		City Public Restrooms 40 St. George Street St. Augustine
		904-829-9189 City Hall Building 75 King Street St. Augustine
		904-829-9457 City's Downtown Plaza 150 Charlotte St. St. Augustine
		904-824-0890 904-829-9278 City's Downtown Plaza 24 Cathedral Place St. Augustine

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
001817-TC	BellSouth Public Communications, Inc.	561-337-9802 561-337-9803 561-337-9804 Mobil Oil Corp. #02JG 9200 S. Federal Hwy. Port St. Lucie
001818-TC	BellSouth Public Communications, Inc.	561-582-9138 Sneakers Bar & Grill 331 N. Dixie Hwy. Lake Worth

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
010055-TC	BellSouth Public Communications, Inc.	321-269-9446 Brevard Co.-Titusville Clinic 611 Singleton Ave. Titusville
		561-747-9819 River Rec. Assn., Inc. 266 River Park Dr. Jupiter
		321-784-9853 Parks & Rec. Dept. 355 Monroe Ave. Cape Canaveral
		561-488-9852 Rainberry Park HOA 9168 Rainberry Pk. Ci Boca Raton
		561-968-9927 561-963-9172 561-964-9838 561-965-9968 Woodhaven Plaza 4048-4068 Forrest Hill West Palm Beach
		850-539-9228 850-539-9217 Inland #239 208 S. Main St. Havana

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

DECISION: The recommendation was approved with noted modification to Issue G.

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

<u>ITEM NO.</u>	<u>CASE</u>
3	<p>DOCKET NO. 001672-TP - Petition for declaratory statement by LighTrade, Inc., pursuant to 120.565, F.S., concerning applicability of the term "telecommunications company" as that term is defined in 364.02(12), F.S., to its planned activities in the State of Florida.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer PL</p> <p>Staff: APP: Bellak CMP: Simmons RGO: McCoy</p> <p><u>Issue 1</u>: Does LighTrade's Petition for Declaratory Statement meet the requirements of Section 120.565, Florida Statutes? <u>Recommendation</u>: Yes.</p> <p><u>Issue 2</u>: Is LighTrade exempt from the requirement for certification in Section 364.33, Florida Statutes, if it only provides service to sellers and buyers of telecommunications capacity which are listed in Section 364.02(12), (a)-(f), Florida Statutes? <u>Recommendation</u>: Yes. LighTrade is exempt if its service is limited to and between the entities listed in Section 364.02(12), (a)-(f), Florida Statutes.</p> <p><u>Issue 3</u>: Is LighTrade exempt from the requirement for certification in Section 364.33, Florida Statutes, if it provides service to large end-users, like universities, not listed in Section 364.02(12), (a)-(f), Florida Statutes? <u>Recommendation</u>: No. Certification would be required for LighTrade to provide service to large end-users not listed in Section 364.02(12), (a)-(f), Florida Statutes.</p> <p><u>Issue 4</u>: Should this docket be closed? <u>Recommendation</u>: Yes, this docket should be closed.</p>

DECISION: The recommendations were approved.

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

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4**

DOCKET NO. 000800-GU - Request for approval of Florida Rate Schedule T-1 Firm Transportation Service Tariff by Atlantic Utilities, a Florida Division of Southern Union Company d/b/a South Florida Natural Gas.

Critical Date(s): None (Company waived 60-day suspension date)

Commissioners Assigned: Full Commission
Prehrg Officer JC

Staff: CMP: Makin, Bulecza-Banks
LEG: C. Keating, K. Walker

Issue 1: Should the Commission approve Atlantic Utilities, a Florida Division of Southern Union Company d/b/a South Florida Natural Gas's proposed rate schedule T-1, Firm Transportation Service?

Recommendation: Yes. The Commission should approve Atlantic Utilities, a Florida Division of Southern Union Company d/b/a South Florida Natural Gas's proposed rate schedule T-1, Firm Transportation Service, effective February 6, 2001.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved.

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

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5**

DOCKET NO. 000801-GU - Request for approval of Florida Rate Schedule T-1 Firm Transportation Service Tariff by Sebring Gas System, Inc.

Critical Date(s): None (Company waived 60-day suspension date)

Commissioners Assigned: Full Commission
Prehrg Officer JC

Staff: CMP: Makin, Bulecza-Banks
LEG: C. Keating, K. Walker

Issue 1: Should the Commission approve Sebring Gas System, Inc.'s proposed rate schedule T-1, Firm Transportation Service?

Recommendation: Yes. The Commission should approve Sebring Gas System, Inc.'s proposed rate schedule T-1, Firm Transportation Service, effective February 6, 2001.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved.

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

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6**

DOCKET NO. 000842-GU - Petition by St. Joe Natural Gas Company, Inc. for approval of unbundled transportation service.

Critical Date(s): None (Company waived 60-day suspension date)

Commissioners Assigned: Full Commission
Prehrg Officer JC

Staff: CMP: Makin, Bulecza-Banks
LEG: C. Keating, K. Walker

Issue 1: Should the Commission grant St. Joe Natural Gas Company, Inc.'s petition for approval of Unbundled Transportation Service?

Recommendation: Yes. The Commission should grant St. Joe Natural Gas Company, Inc.'s petition for approval of Unbundled Transportation Service, effective February 6, 2001.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved.

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

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7**

DOCKET NO. 001755-GU - Petition for approval of modifications to tariff provisions governing main and service extension amortization surcharge by Tampa Electric Company d/b/a Peoples Gas System.

Critical Date(s): None (Company waived 60-day suspension date)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Makin, Bulecza-Banks
LEG: K. Walker

Issue 1: Should the Commission grant Tampa Electric Company d/b/a Peoples Gas System's petition for approval of modifications to tariff provisions governing main and service extension amortization surcharge?

Recommendation: Yes. The Commission should approve Tampa Electric Company d/b/a Peoples Gas System's petition for approval of modifications to tariff provisions governing main and service extension amortization surcharge, effective February 6, 2001.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved.

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

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8**	DOCKET NO. 010003-GU - Purchased Gas Adjustment (PGA) Factors.
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Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer - Pending

Staff: CMP: Makin, Bulecza-Banks
LEG: C. Keating

Issue 1: Should the Commission grant Peoples Gas System's (Peoples Gas or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 71.171 cents per therm to \$1.16073 per therm?

Recommendation: Yes. The Commission should approve the Company's proposed PGA cap of \$1.16073 per therm effective for all meter readings taken on or after February 6, 2001, the date of the Commission's vote in this matter.

Issue 2: Should this docket be closed?

Recommendation: No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

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

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9**	<p>DOCKET NO. 010003-GU - Purchased Gas Adjustment (PGA) Factors.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer - Pending</p> <p>Staff: CMP: Makin, Bulecza-Banks LEG: C. Keating</p> <p><u>Issue 1</u>: Should the Commission grant St. Joe Natural Gas Company's (St. Joe or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 82.100 cents per therm to \$1.1630 per therm?</p> <p><u>Recommendation</u>: Yes. The Commission should approve the Company's proposed PGA cap of \$1.1630 per therm effective for all meter readings taken on or after February 6, 2001, the date of the Commission's vote in this matter.</p> <p><u>Issue 2</u>: Should this docket be closed?</p> <p><u>Recommendation</u>: No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.</p>

DECISION: The recommendations were approved.

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

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10**	<p>DOCKET NO. 010003-GU - Purchased Gas Adjustment (PGA) Factors.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrig Officer - Pending</p> <p>Staff: CMP: Makin, Bulecza-Banks LEG: C. Keating</p> <p><u>Issue 1</u>: Should the Commission grant the Florida Division of Chesapeake Utilities Corporation's (Chesapeake or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 74.358 cents per therm to \$1.22211 per therm?</p> <p><u>Recommendation</u>: Yes. The Commission should approve the Company's proposed PGA cap of \$1.22211 per therm effective for all meter readings taken on or after February 6, 2001, the date of the Commission's vote in this matter.</p> <p><u>Issue 2</u>: Should this docket be closed?</p> <p><u>Recommendation</u>: No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.</p>

DECISION: The recommendations were approved.

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

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11** DOCKET NO. 010003-GU - Purchased Gas Adjustment (PGA)
Factors.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer - Pending

Staff: CMP: Makin, Bulecza-Banks
LEG: C. Keating

Issue 1: Should the Commission grant City Gas Company of Florida's (City Gas or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 79.093 cents per therm to \$1.06533 per therm?

Recommendation: Yes. The Commission should approve the Company's proposed PGA cap of \$1.06533 per therm effective for all meter readings taken on or after February 6, 2001, the date of the Commission's vote in this matter.

Issue 2: Should this docket be closed?

Recommendation: No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

Commissioner Palecki recused himself from participation.

Commissioners participating: Jacobs, Deason, Jaber, Baez

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<u>ITEM NO.</u>	<u>CASE</u>
12**	DOCKET NO. 010003-GU - Purchased Gas Adjustment (PGA) Factors. Critical Date(s): None Commissioners Assigned: Full Commission Prehrg Officer - Pending Staff: CMP: Makin, Bulecza-Banks LEG: C. Keating <u>Issue 1</u> : Should the Commission grant Indiantown Gas Company, Inc.'s (Indiantown or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 83.729 cents per therm to \$1.12387 per therm? <u>Recommendation</u> : Yes. The Commission should approve the Company's proposed PGA cap of \$1.12387 per therm effective for all meter readings taken on or after February 6, 2001, the date of the Commission's vote in this matter. <u>Issue 2</u> : Should this docket be closed? <u>Recommendation</u> : No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

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

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13**	DOCKET NO. 010003-GU - Purchased Gas Adjustment (PGA) Factors. Critical Date(s): None Commissioners Assigned: Full Commission Prehrg Officer - Pending Staff: CMP: Makin, Bulecza-Banks LEG: C. Keating <u>Issue 1:</u> Should the Commission grant South Florida Natural Gas's (South Florida or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 79.208 cents per therm to \$1.25944 per therm? <u>Recommendation:</u> Yes. The Commission should approve the Company's proposed PGA cap of \$1.25944 per therm effective for all meter readings taken on or after February 6, 2001, the date of the Commission's vote in this matter. <u>Issue 2:</u> Should this docket be closed? <u>Recommendation:</u> No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

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

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14**	DOCKET NO. 010003-GU - Purchased Gas Adjustment (PGA) Factors.
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Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer - Pending

Staff: CMP: Makin, Bulecza-Banks
LEG: C. Keating

Issue 1: Should the Commission grant Florida Public Utilities Company's (Florida Public or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 84.781 cents per therm to 99.529 cents per therm?

Recommendation: Yes. The Commission should approve the Company's proposed PGA cap of 99.529 cents per therm effective for all meter readings taken on or after February 6, 2001, the date of the Commission's vote in this matter.

Issue 2: Should this docket be closed?

Recommendation: No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

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

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15** DOCKET NO. 010003-GU - Purchased Gas Adjustment (PGA) Factors.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer - Pending

Staff: CMP: Makin, Bulecza-Banks
LEG: C. Keating

Issue 1: Should the Commission grant Sebring Gas System, Inc.'s (Sebring or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 70.663 cents per therm to \$1.27011 per therm?

Recommendation: Yes. The Commission should approve the Company's proposed PGA cap of \$1.27011 cents per therm effective for all meter readings taken on or after February 6, 2001, the date of the Commission's vote in this matter.

Issue 2: Should this docket be closed?

Recommendation: No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
16**PAA	<p>DOCKET NO. 001809-TP - Implementation of 711 Access for Telecommunications Relay Services.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: Moses APP: Brown LEG: Elliott</p> <p><u>Issue 1</u>: Should the Commission order all certificated telecommunications companies to provide 711 access to telecommunications relay service by August 1, 2001? <u>Recommendation</u>: Yes. The Commission should order all certificated telecommunications companies to provide 711 access to telecommunications relay services by August 1, 2001. The local telephone companies should use the 800 number, 800/955-8771, to translate 711 calls.</p> <p><u>Issue 2</u>: Should the Commission order all telecommunications providers that bill end users for local service to include a billing insert with the bill the customer receives immediately prior to the August 1, 2001 implementation date, notifying the customer that 711 access is available effective August 1, 2001? <u>Recommendation</u>: Yes. All telecommunications companies that bill customers for local service should be ordered to include a bill insert that informs the customer that 711 access to relay services will be available effective August 1, 2001.</p> <p><u>Issue 3</u>: Should this docket be closed? <u>Recommendation</u>: No. This docket should remain open pending any protest filed within 21 days of the issuance of the Order by a person whose substantial interests are affected by the Proposed Agency Action. If no protest is received, the order will become final and effective upon the issuance of a consummating order.</p>

DECISION: The recommendations were approved.

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

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16**PAA

DOCKET NO. 001809-TP - Implementation of 711 Access for
Telecommunications Relay Services.

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17**

DOCKET NO. 001040-TC - Cancellation by Florida Public Service Commission of PATs Certificate No. 5602 issued to J. Merritt Guthrie for violation of Rule No. 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: K. Pena, B. Keating

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

Recommendation: Yes. The Commission should accept the company's modified settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 5602 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: Jacobs, Deason, Jaber, Baez, Palecki

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18**PAA

DOCKET NO. 001341-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7137 issued to Cable & Wireless Global Markets, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Elliott

Issue 1: Should the Commission grant Cable & Wireless Global Markets, Inc. a voluntary cancellation of Certificate No. 7137?

Recommendation: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 7137 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

Issue 2: Should this docket be closed?

Recommendation: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the proposed agency action order. The docket should then be closed upon receipt of the fees or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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CASE

19**PAA

DOCKET NO. 001338-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7090 issued to The Free Network, L.L.C. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Walker

Issue 1: Should the Commission impose a \$500 fine or cancel The Free Network, L.L.C.'s certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?
Recommendation: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's Certificate No. 7090 should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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19**PAA

DOCKET NO. 001338-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7090 issued to The Free Network, L.L.C. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. The docket should then be closed upon receipt of the fine and fees or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

20**

DOCKET NO. 001251-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4407 issued to Preferred Carrier Services, Inc. d/b/a Telefonos Para Todos and d/b/a Phones For ALL for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Elliott

Issue 1: Should the Commission accept the settlement offer proposed by Preferred Carrier Services, Inc. d/b/a Telefonos Para Todos and d/b/a Phones For ALL 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, cancellation of the certificate cannot be pursued at this time due to the pending bankruptcy proceedings.

Issue 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

21**PAA

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

DOCKET NO. 001459-TX - AirTIME Technologies, Inc.

DOCKET NO. 001472-TX - Nexstar Communications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehrg Officer ADM

Staff: CMP: Isler

LEG: Elliott

Issue 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on page 5 of staff's January 25, 2001, memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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

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ITEM NO.

CASE

21**PAA

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

(Continued from previous page)

Issue 2: Should these dockets be closed?

Recommendation: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. The dockets should then be closed upon receipt of the fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

22**PAA

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

DOCKET NO. 001419-TX - Talk Time Communications, Ltd. d/b/a Talk Time Communications, Ltd. Inc.

DOCKET NO. 001453-TX - Digital Telecommunications, Inc. d/b/a Telrite

DOCKET NO. 001469-TX - FreedomTel, Inc.

DOCKET NO. 001496-TX - AccuTel of Texas, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Banks

Issue 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on page 5 of staff's January 25, 2001, memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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

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ITEM NO.

CASE

22**PAA

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

(Continued from previous page)

Issue 2: Should these dockets be closed?

Recommendation: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. These dockets should then be closed upon receipt of the fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

23**

DOCKET NO. 001406-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 4779 issued to GE Capital Communication Services Corporation d/b/a GE EXCHANGE, d/b/a GE Exchange, d/b/a GE Residential Communications d/b/a GE Commercial Shopping Network and d/b/a GE Capital Commercial Direct for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Banks

Issue 1: Should the Commission grant GE Capital Communication Services Corporation d/b/a GE EXCHANGE d/b/a GE Residential Communications d/b/a GE Commercial Shopping Network and d/b/a GE Capital Commercial Direct a voluntary cancellation of its Certificate No. 4779?

Recommendation: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 4779 with an effective date of November 30, 2000.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

24**PAA

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

DOCKET NO. 001402-TX - Telaleasing Enterprises, Inc.

DOCKET NO. 001457-TX - U2 Communications, Inc.

DOCKET NO. 001474-TX - Internet Access and Web Services of Florida, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehrg Officer ADM

Staff: CMP: Isler

LEG: K. Pena, B. Keating

Issue 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on page 5 of staff's January 25, 2001, memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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

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ITEM NO.

CASE

24**PAA

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

(Continued from previous page)

Issue 2: Should these dockets be closed?

Recommendation: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. These dockets should then be closed upon receipt of the fine and fees or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

25**PAA

DOCKET NO. 000109-TI - Investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context by International Tele-Services, Inc. d/b/a InTeleServ.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: K. Craig, Kennedy
ECR: D. Draper
LEG: Caldwell

Issue 1: Should the Commission accept International Tele-Services, Inc. d/b/a InTeleServ's offer of refund and refund calculation of \$3,381.00, plus interest of \$428.80, for a total of \$3,809.80, for overcharging end users on intrastate 0+ calls made from pay telephones and in a call aggregator context from February 1, 1999, through August 19, 1999?

Recommendation: Yes. The Commission should accept InTeleServ's refund calculation of \$3,381.00, adding interest of \$428.80, for a total of \$3,809.80, and proposal to credit end user customers' local exchange telephone bills beginning April 2, 2001 and ending April 30, 2001, for overcharging end users on intrastate 0+ calls made from pay telephones and in a call aggregator context from February 1, 1999, through August 19, 1999. At the end of the refund period, any unrefunded amount, including interest, should be remitted to the Commission by July 1, 2001, and forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Section 364.285 (1), Florida Statutes. InTeleServ should submit a final report as required by Rule 25-4.114, Florida Administrative Code, Refunds, by July 1, 2001.

Issue 2: Should International Tele-Services, Inc. d/b/a InTeleServ be required to show cause why it should not pay a fine for failing to comply with Commission Order No. PSC-00-0752-PAA-TI?

Recommendation: No.

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ITEM NO.

CASE

25**PAA

DOCKET NO. 000109-TI - Investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context by International Tele-Services, Inc. d/b/a InTeleServ.

(Continued from previous page)

Issue 3: Should this docket be closed?

Recommendation: No. If no person whose interests are substantially affected by the proposed action files a protest of the Commission's decision in Issue 1 within the 21-day protest period, the Commission's Order will become final upon issuance of a Consummating Order. This docket should, however, remain open pending the completion of the refund and receipt of the final report on the refund. After completion of the refund and receipt of the final refund report, this docket should be closed administratively.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

26**

DOCKET NO. 001352-TP - Request by BellSouth Telecommunications, Inc. for approval of interconnection, unbundling, resale, and collocation agreement with PointeCom, Inc. d/b/a Telscape Telecommunications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Logue
LEG: Knight

Issue: Should the Commission acknowledge BellSouth and Telscape's request for withdrawal of request by BellSouth Telecommunications, Inc. for approval of the negotiated interconnection agreement with PointeCom, Inc. d/b/a Telscape Communications and close the docket?

Recommendation: Yes. The Commission should acknowledge BellSouth and Telscape's joint request for withdrawal of request by BellSouth Telecommunications, Inc. for approval of the negotiated interconnection agreement with PointeCom, Inc. d/b/a Telscape Communications and close this docket.

DECISION: The recommendation was approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
27**PAA	DOCKET NO. 001332-TL - Intrastate tariffing of xDSL Service by BellSouth Telecommunications, Inc., Verizon Florida Inc., and Sprint-Florida, Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Audu, Dowds, Simmons
LEG: Christensen

Issue 1: Should the Commission order BellSouth Telecommunications, Inc., Verizon Florida Inc., and Sprint - Florida, Incorporated to file intrastate xDSL tariffs?

Recommendation: Yes. The Commission should order BellSouth, Verizon, and Sprint to file intrastate xDSL tariffs with this Commission within 30 days of the issuance of a Consummating Order. The ILECs' intrastate xDSL tariffs should mirror their FCC tariffs.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final upon the issuance of a Consummating Order. Thereafter, tariffs should be filed within 30 days of the issuance of the Commission's order. This docket should be closed after tariffs have been filed. If a timely protest is filed, the docket should remain open pending the outcome of further proceedings.

DECISION: This item was deferred. Staff was directed to address the issues of Commission's jurisdiction and policy concerns discussed at the Conference.

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ITEM NO.

CASE

27A**PAA

DOCKET NO. 010102-TP - Investigation of proposed updates to the Routing Data Base System (RDBS) and Business Rating Input Database System (BRIDS) affecting the Tampa telecommunications carriers.

Critical Date(s): 3/19/01 (Hearing date)

Commissioners Assigned: Full Commission
Prehrg Officer - Pending

Staff: CMP: Casey, Bulecza-Banks
LEG: Fordham

Issue 1: Should the Commission require Tampa area codeholders requesting NXX codes to designate "Tampa" rather than one of the five rate centers developed by Verizon?

Recommendation: Yes. The Commission should require Tampa area codeholders to designate "Tampa" rather than one of the five rate centers developed by Verizon. However, if prior to August 15, 2000, a codeholder had requested the NXX code be assigned to one of the five Verizon developed rate centers, it can continue to do so with its new NXX codes if desired. This process should continue until a hearing has been held to thoroughly address the issue and a final order is issued.

Issue 2: Should the Commission order Verizon to cease any further actions to modify the RDBS and the BRIDS as it relates to the Tampa rate center designations?

Recommendation: Yes. The Commission should order Verizon to immediately cease any further actions to modify the RDBS and the BRIDS as it relates to the Tampa rate center designation.

Issue 3: Should this docket be closed?

Recommendation: No. Whether or not this decision is protested, this docket should remain open and an expedited hearing should be set to fully examine the impact of the proposed Tampa Rate Center RDBS and BRIDS changes.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

28**

DOCKET NO. 001792-EI - Petition for approval of tariff filing which will limit availability of Recreational Lighting Service by Florida Power & Light Company.

Critical Date(s): 2/12/01 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: Springer, Wheeler
LEG: Hart

Issue 1: Should the Commission approve FPL's petition to close its Recreational Lighting Service tariff to new customers?

Recommendation: Yes.

Issue 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

29**

DOCKET NO. 001217-EI - Petition for authority to modify Commercial/Industrial Service Rider Pilot Study by Gulf Power Company.

Critical Date(s): 4/21/01 (8-month effective date)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: E. Draper, Slemkewicz
LEG: Walker

Issue 1: Should the Commission approve Gulf's petition to modify its CISR tariff?

Recommendation: Yes.

Issue 2: Should Gulf be required to continue reporting the revenue shortfall resulting from its two executed CSAs in its monthly surveillance reports?

Recommendation: No, Gulf should not be required to continue reporting the revenue shortfall resulting from its two executed CSAs in its monthly surveillance report. Gulf, however, should be required to report the revenue shortfall associated with any subsequently executed CSAs.

Issue 3: What is the appropriate effective date of Gulf's revised CISR rate?

Recommendation: The revised CISR tariff should become effective on February 6, 2001.

Issue 4: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
30**PAA	<p>DOCKET NO. 001448-EI - Joint petition for approval of amendment to territorial agreement between Florida Power Corporation and Tampa Electric Company.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer - Pending</p> <p>Staff: LEG: Isaac SER: Breman, Windham</p> <p><u>Issue 1</u>: Should the Commission grant the joint petition by Tampa Electric Company and Florida Power Corporation for approval of the Second Amendment to their territorial agreement in Polk County? <u>Recommendation</u>: No. The Commission should deny Tampa Electric Company and Florida Power Corporation's petition for approval of the Second Amendment to their territorial agreement in Polk County.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: 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.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
31	<p>DOCKET NO. 920199-WS - Application for rate increase in Brevard, Charlotte/Lee, Citrus, Clay, Duval, Highlands, Lake, Marion, Martin, Nassau, Orange, Osceola, Pasco, Putnam, Seminole, Volusia, and Washington Counties by Southern States Utilities, Inc.; Collier County by Marco Shores Utilities (Deltona); Hernando County by Spring Hill Utilities (Deltona); and Volusia County by Deltona Lakes Utilities (Deltona).</p> <p>Critical Date(s): Relinquishment of jurisdiction only through 2/8/01, and oral argument in First District Court of Appeal on 2/21/01</p> <p>Hearing Date(s): Available upon request</p> <p>Commissioners Assigned: JC DS BZ PL Prehrg Officer DS</p> <p>Staff: LEG: Jaeger APP: Moore ECR: Rendell, Willis</p> <p>(Participation is dependent upon vote in Issue No. 1.) <u>Issue 1</u>: Should parties be allowed to participate? <u>Recommendation</u>: Yes. Participation should be limited to ten minutes for each party. <u>Issue 2</u>: Should the Commission grant the Motion to Approve Settlement Agreement Extension entered into between Florida Water Services Corporation and Hernando County? <u>Recommendation</u>: Yes. The Commission should grant the motion and approve the Settlement Agreement Extension. <u>Issue 3</u>: Should this docket be closed? <u>Recommendation</u>: No. The docket should remain open pending the outcome of the appeal.</p>

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
32**	DOCKET NO. 010087-WS - Application for approval for a reuse plan in Lake County by Sun Communities Finance LLC d/b/a Water Oak Utility.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Fudge
ECR: Rendell, Lingo
PAI: Bethea

Issue 1: Should Sun Communities' Request for Extension of Time to File the reuse project plan required by Order No. PSC-00-1165-PAA-WS be granted?

Recommendation: Yes. Sun Communities' Request for Extension of Time to June 19, 2001, to file its reuse project plan should be granted. The utility should be required to continue to defer 23.07% of monthly wastewater billings pursuant to Order No. PSC-00-1165-PAA-WS.

Issue 2: Should the utility be required to show cause, in writing within 21 days, why it should not be fined \$300 for its apparent violation of Order No. PSC-00-1165-PAA-WS for failing to file the quarterly and semiannual reports required by that Order?

Recommendation: Yes. The utility should be required to show cause, in writing within 21 days, why it should not be fined \$300 for its apparent violation of Order No. PSC-00-1165-PAA-WS, requiring the filing of quarterly and semiannual reports.

Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open pending review of the reuse project plan which Sun Communities is required to provide pursuant to Order No. PSC-00-1165-PAA-WS.

DECISION: The recommendations for Issues 1 and 3 were approved. Issue 2 was denied. The company is put on notice that it needs to comply with all reporting requirements in the future. Additionally the fine submitted by the utility is to be returned.

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ITEM NO.

CASE

32**

DOCKET NO. 010087-WS - Application for approval for a reuse plan in Lake County by Sun Communities Finance LLC d/b/a Water Oak Utility.

(Continued from previous page)

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

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ITEM NO.

CASE

33**PAA

DOCKET NO. 001828-TL - Notice of election of price regulation by Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: RGO: Hawkins, Gilchrist
CMP: Simmons, Cater
LEG: W. Knight, Vaccaro

Issue 1: Should the Commission acknowledge Quincy's election to become subject to price regulation effective December 28, 2000?

Recommendation: Yes. With Quincy's election of price regulation effective December 28, 2000, its basic local telecommunications service rates are subject to Section 364.051(3), Florida Statutes. Furthermore, Quincy's network access rates should be capped until December 28, 2005, pursuant to 364.163(1), Florida Statutes.

Issue 2: Should this docket be closed?

Recommendation: Yes. With the Commission's approval of staff's recommendation in Issue 1, this docket should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of this Order. The Order will become final upon the issuance of a consummating order. If no timely protest is filed, this docket should be closed. If, after reviewing the company's prior period earnings, the staff believes Quincy experienced over earnings, then staff will open a new docket.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

34**

DOCKET NO. 001621-TX - Application for certificate to provide alternative local exchange telecommunications service by Comm South Companies, Inc. d/b/a Florida Comm South.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: RGO: Pruitt
ECR: Lester
LEG: Banks

Issue 1: Should the Commission accept the amended settlement offer submitted by Comm South Companies, Inc. d/b/a Florida Comm South as resolution of apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

Recommendation: Yes. The Commission should accept the amended settlement offer of \$7,500 by Comm South Companies, Inc. d/b/a Florida Comm South since it is a reasonable resolution of the matters at issue. The contribution should be received by the Commission within 20 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 Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

PAA

Issue 2: Should the Commission grant Florida Comm South a certificate to provide alternative local exchange telecommunication services within the State of Florida as provided by Section 364.337(1), Florida Statutes?

Recommendation: Yes. Comm South Companies, Inc. d/b/a Florida Comm South should be granted, after payment of \$7,500 in accordance with the amended settlement offer is received: Florida Public Service Commission Certificate No. 7742.

If the payment is not received within 20 days of the issuance of the Commission Order, the application is deemed denied.

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ITEM NO.

CASE

34**

DOCKET NO. 001621-TX - Application for certificate to provide alternative local exchange telecommunications service by Comm South Companies, Inc. d/b/a Florida Comm South.

(Continued from previous page)

Issue 3: Should this docket be closed?

Recommendation: Yes. Upon timely remittance of the \$7,500 voluntary settlement offer, if no person whose substantial interests are affected by the Commission's decision in Issue 2 files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
35**	<p>DOCKET NO. 000973-SU - Application for transfer of Certificate No. 515-S in Polk County from ABCA, Inc. to West Lakeland Utilities, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: RGO: Brady LEG: Crosby, Gervasi</p> <p><u>Issue 1</u>: Should the Commission acknowledge that the sales contract of ABCA to West Lakeland has been terminated and return Certificate No. 515-S to ABCA? <u>Recommendation</u>: Yes. The Commission should acknowledge that the sales contract of ABCA to West Lakeland has been terminated and return Certificate No. 515-S to ABCA.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes, the docket should be closed.</p>

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

36**

DOCKET NO. 991889-WS - Application for transfer of Certificates Nos. 525-W and 454-S in Highlands County from Crystal Lake Club to CWS Communities LP d/b/a Crystal Lake Club.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer PL

Staff: RGO: Clapp, Redemann
LEG: Crosby, Gervasi

Issue 1: Should Crystal Lake Club be ordered to show cause, in writing within 21 days, why it should not be fined for its failure to obtain Commission approval prior to transferring its facilities to CWS, in apparent violation of Section 367.071, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated, but the utility should be placed on notice that it is expected to know and comply with the Commission's rules and regulations.

Issue 2: Should Crystal Lake be ordered to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for failure to maintain its accounts and records in conformance with the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA), and for failure to maintain its books and records in-state, in apparent violation of Rules 25-30.115(1) and 25-30.110(1)(b), Florida Administrative Code, respectively?

Recommendation: No. Crystal Lake should not be ordered to show cause at this time. However, the utility should be ordered to maintain its books and records in conformance with the 1996 NARUC USOA. The utility should also be ordered to maintain its books and records in-state or request the requisite authorization from the Commission to continue to maintain them out-of-state. The utility should be ordered to submit a statement with its 2000 Annual Report from its accountant by March 31, 2001, stating that its books and records are in conformance with the 1996 NARUC USOA and indicating that its books and records are being

ITEM NO.

CASE

36**

DOCKET NO. 991889-WS - Application for transfer of Certificates Nos. 525-W and 454-S in Highlands County from Crystal Lake Club to CWS Communities LP d/b/a Crystal Lake Club.

(Continued from previous page)

maintained in-state or requesting authorization to maintain them out-of-state.

Issue 3: Should the transfer of Certificates Nos. 525-W and 454-S from Crystal Lake Community, Limited Partnership; Diamond Valley Associates, Ltd.; Friendly Village, Lancaster Associates, Ltd. d/b/a Crystal Lake Club to CWS Communities LP d/b/a Crystal Lake Club be approved?

Recommendation: Yes, the transfer of Certificates Nos. 525-W and 454-S from Crystal Lake Community, Limited Partnership; Diamond Valley Associates, Ltd.; Friendly Village, Lancaster Associates, Ltd. d/b/a Crystal Lake Club to CWS Communities LP d/b/a Crystal Lake Club should be approved. A description of the territory being transferred is appended to staff's memorandum dated January 25, 2001, as Attachment A.

PAA

Issue 4: What is the rate base of Crystal Lake at the time of transfer?

Recommendation: The rate bases, which for transfer purposes reflect the net book value, are \$161,702 for the water system and \$223,687 for the wastewater system as of August 30, 1999.

PAA

Issue 5: Should an acquisition adjustment be approved?

Recommendation: No. An acquisition adjustment was not requested. Moreover, an acquisition adjustment cannot be determined at this time.

Issue 6: Should the rates and charges approved for this utility be continued?

Recommendation: Yes. CWS should continue charging the rates and charges approved for this utility system until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting the change in ownership should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets.

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CASE

36**

DOCKET NO. 991889-WS - Application for transfer of Certificates Nos. 525-W and 454-S in Highlands County from Crystal Lake Club to CWS Communities LP d/b/a Crystal Lake Club.

(Continued from previous page)

Issue 7: Should this docket be closed?

Recommendation: Yes. If no timely protest is received to the proposed agency action issues, the Order should become final and effective upon the issuance of a Consummating Order and the docket should be closed.

DECISION: The recommendations were approved as modified by staff at the Commission Conference.

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

ITEM NO.

CASE

37**

DOCKET NO. 001083-WU - Application for transfer of Certificate No. 518-W in Lake County from Century Realty Funds, Inc. and Haselton Associates, Ltd. d/b/a Route 19A North Joint Venture to CWS Communities LP.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JB

Staff: RGO: Clapp, Redemann
LEG: Crosby, Gervasi

Issue 1: Should North Joint Venture be ordered to show cause, in writing within 21 days, why it should not be fined for its failure to obtain Commission approval prior to transferring its facilities to CWS, in apparent violation of Section 367.071, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated, but the utility should be placed on notice that it is expected to know and comply with the Commission's rules and regulations.

Issue 2: Should North Joint Venture be ordered to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for failure to maintain its accounts and records in conformance with the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA), and for failure to maintain its books and records in-state, in apparent violation of Rules 25-30.115(1) and 25-30.110(1)(b), Florida Administrative Code, respectively?

Recommendation: No. North Joint Venture should not be ordered to show cause at this time. However, the utility should be ordered to maintain its books and records in conformance with the 1996 NARUC USOA. The utility should also be ordered to maintain its books and records in-state or request the requisite authorization from the Commission to continue to maintain them out-of-state. The utility should be ordered to submit a statement from its accountant by March 31, 2001, with its 2000 Annual Report stating that its books and records are in conformance with NARUC USOA and indicating that its books and records are being maintained

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37**

DOCKET NO. 001083-WU - Application for transfer of Certificate No. 518-W in Lake County from Century Realty Funds, Inc. and Haselton Associates, Ltd. d/b/a Route 19A North Joint Venture to CWS Communities LP.

(Continued from previous page)

in-state or requesting authorization to maintain them out-of-state.

Issue 3: Should the transfer of Certificate No. 518-W from Century Realty Funds, Inc. and Haselton Associates, LTD. d/b/a Route 19A North Joint Venture to CWS Communities LP be approved?

Recommendation: Yes, the transfer of Certificate No. 518-W from Century Realty Funds, Inc. and Haselton Associates, LTD. d/b/a Route 19A North Joint Venture to CWS Communities LP should be approved. A description of the territory being transferred is appended to staff's memorandum dated January 25, 2001 Attachment A.

PAA

Issue 4: What is the rate base of the utility at the time of transfer?

Recommendation: The rate base of the utility could not be determined at this time. CWS should be put on notice that an original cost study may be required at the time of filing a rate petition, if the utility cannot provide the original cost documentation.

PAA

Issue 5: Should an acquisition adjustment be approved?

Recommendation: No. An acquisition adjustment was not requested. Moreover, an acquisition adjustment cannot be determined at this time.

Issue 6: Should the rates and charges approved for this utility be continued?

Recommendation: Yes. CWS should continue charging the rates and charges approved for this utility system until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting the change in ownership should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets.

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CASE

37**

DOCKET NO. 001083-WU - Application for transfer of Certificate No. 518-W in Lake County from Century Realty Funds, Inc. and Haselton Associates, Ltd. d/b/a Route 19A North Joint Venture to CWS Communities LP.

(Continued from previous page)

Issue 7: Should this docket be closed?

Recommendation: Yes. If no timely protest is received to the proposed agency action issues, the Order should become final and effective upon the issuance of a Consummating Order and the docket should be closed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

38**

DOCKET NO. 001145-WU - Application for transfer of majority organizational control of San Sebastian Utilities, Inc., holder of Certificate No. 439-W in Brevard County, and name change on certificate, to San Sebastian Water, LLC.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JB

Staff: RGO: Brady
LEG: Crosby, Gervasi

Issue 1: Should San Sebastian Utilities, Inc. be ordered to show cause, in writing, within 21 days, why he should not be fined for apparent violation of Section 367.071(1), Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated.

Issue 2: Should the transfer of majority organizational control of San Sebastian Utilities, Inc., from C.E. Buchanan through Howbert, L.C., to San Sebastian Water, LLC, be approved?

Recommendation: Yes. The transfer of majority organizational control should be approved. San Sebastian Utilities, Inc. should be responsible for filing an annual report for the utility and remitting the resulting regulatory assessment fees to the Commission for the year 2000 within the time frame and manner prescribed by Commission rules. San Sebastian Water, LLC, should be responsible for subsequent annual reports and regulatory assessment fees. A recorded warranty deed, long-term lease, or other evidence of the utility's continued use of the land upon which the utility facilities reside, in the name of San Sebastian Water, LLC, should be filed with the Commission within 45 days from the date the stock is transferred.

Issue 3: Should the request for name change on Certificate No. 439-W from San Sebastian Utilities, Inc., to San Sebastian Water, LLC, be approved?

Recommendation: Yes. If the Commission votes in Issue 2 to approve the transfer of majority organizational control, then the request for name change on Certificate No. 439-W

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38**

DOCKET NO. 001145-WU - Application for transfer of majority organizational control of San Sebastian Utilities, Inc., holder of Certificate No. 439-W in Brevard County, and name change on certificate, to San Sebastian Water, LLC.

(Continued from previous page)

from San Sebastian Utilities, Inc., to San Sebastian Water, LLC, should be approved.

Issue 4: Should the rates and charges approved for San Sebastian Utilities, Inc., be continued?

Recommendation: Yes. The rates and charges approved for the utility should be continued. The tariff reflecting the transfer of majority organizational control and the change in name should be approved and effective for services rendered or connections made on or after the stamped approval date.

Issue 5: Should this docket be closed?

Recommendation: No. The docket should remain open pending the filing of a recorded warranty deed, long-term lease, or other evidence of the utility's continued use of the land upon which the utility facilities reside, in the name of San Sebastian Water, LLC.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
39**PAA	<p>DOCKET NO. 001440-WS - Petition by AquaSource Utility, Inc., Ocala Oaks Utilities, Inc. Jasmine Lakes Utilities, Inc., Arredondo Utilities, Inc., Crystal River Utilities, Inc., and Lake Suzy Utilities, Inc. to maintain records out of state.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer - Pending</p> <p>Staff: RGO: Buckley ECR: Quijano LEG: Brubaker</p> <p><u>Issue 1</u>: Should the Commission authorize AquaSource to keep its accounting records out-of-state? <u>Recommendation</u>: Yes, the Commission should approve AquaSource's request to keep its records out-of-state.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: 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.</p> <p><u>DECISION</u>: The recommendation was withdrawn.</p>

<u>ITEM NO.</u>	<u>CASE</u>
40	<p>DOCKET NO. 001447-GU - Request for rate increase by St. Joe Natural Gas Company, Inc.</p> <p>Critical Date(s): 2/13/01 (60-day suspension date) 5/15/01 (5-month effective date)</p> <p>Commissioners Assigned: JC DS JB Prehrg Officer JC</p> <p>Staff: ECR: Merta, L. Romig, C. Romig, D. Draper, P. Lee, Wheeler, Springer, Stallcup CMP: Makin LEG: Hart</p> <p><u>Issue 1</u>: Should the request for a permanent increase in rates and charges be suspended for St. Joe? <u>Recommendation</u>: Yes. Staff recommends that the requested permanent increase in rates and charges of \$551,923 be suspended for St. Joe.</p> <p><u>Issue 2</u>: Is St. Joe's proposed interim test year rate base of \$4,353,279 appropriate? <u>Recommendation</u>: Yes. The appropriate interim test year rate base for St. Joe is \$4,353,279.</p> <p><u>Issue 3</u>: Is St. Joe's proposed interim test year net operating income of (\$31,410) appropriate? <u>Recommendation</u>: No. The appropriate interim test year net operating income for St. Joe is \$31,147.</p> <p><u>Issue 4</u>: Are St. Joe's proposed interim return on equity of 10.00% and overall rate of return of 5.66% appropriate? <u>Recommendation</u>: Yes. For interim purposes, the appropriate return on equity is 10.00% and the appropriate overall rate of return is 5.66%.</p> <p><u>Issue 5</u>: Is St. Joe's proposed interim revenue expansion factor of 1.6529 appropriate? <u>Recommendation</u>: Yes. St. Joe's proposed interim revenue expansion factor is appropriate.</p> <p><u>Issue 6</u>: Should St. Joe's requested interim revenue increase of \$459,185 be granted? <u>Recommendation</u>: No. After making the above adjustments, the interim revenue increase for St. Joe should be \$355,984.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
40	DOCKET NO. 001447-GU - Request for rate increase by St. Joe Natural Gas Company, Inc. (Continued from previous page) <u>Issue 7</u> : How should the interim revenue increase for St. Joe be distributed among the rate classes? <u>Recommendation</u> : Any interim revenue increase authorized should be applied evenly across the board to all rate classes based on their base rate revenues, as required by Rule 25-7.040, Florida Administrative Code, and should be collected on a cents-per-therm basis. The interim rates should be made effective for all meter readings made on or after thirty days from the date of the vote and decision herein. <u>Issue 8</u> : What is the appropriate security to guarantee the amount subject to refund? <u>Recommendation</u> : A corporate undertaking in the amount of \$88,996 guaranteed by St. Joe is appropriate. Interim rates are subject to refund with interest, pending final order in the permanent rate relief request. <u>Issue 9</u> : Should this docket be closed? <u>Recommendation</u> : No. This docket should remain open to process the revenue increase request of the company.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber

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CASE

41**

DOCKET NO. 990884-TP - Request by Orlando Telephone Company for approval of arbitration concerning complaint against Sprint-Florida, Incorporated regarding enforcement of interconnection agreement.

Critical Date(s): None

Commissioners Assigned: JC DS JB
Prehrg Officer DS

Staff: CMP: Hinton
LEG: Caldwell

Issue 1: Should this docket be closed?

Recommendation: Yes. There are no outstanding issues before this Commission for consideration; therefore, staff recommends that this docket be closed.

DECISION: The recommendation was approved.

Commissioners participating: Jacobs, Deason, Jaber

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CASE

42**

DOCKET NO. 970201-WU - Application for transfer of facilities of Lake Region Paradise Island and amendment of Certificate No. 582-W held by Keen Sales, Rentals and Utilities, Inc. in Polk County.

Critical Date(s): None

Commissioners Assigned: JC DS PL
Prehrg Officer JC

Staff: RGO: Clapp, Redemann
ECR: Iwenjiora
LEG: Crosby

PAA

Issue 1: Should the amount of the refund the utility was required to make in Order No. PSC-00-0913-PAA-WU be revised?
Recommendation: Yes. The amount of the refund the utility was required to make in Order No. PSC-00-0913-PAA-WU should be revised to reflect the difference between the amount that was billed to the LRPI customers from February, 1997 to November, 1999 and the amount authorized on May 14, 1996, when the Commission obtained jurisdiction in Polk County. The utility may submit the refund calculation for staff's verification and approval prior to the refund being made, pursuant to Rule 25-30.360(4)(e), Florida Administrative Code. The refund should be made on a per customer basis, pursuant to Rule 25-30.360, Florida Administrative Code. In addition, Keen should be required to complete the refunds to the Lake Region customers within one year of the effective date of the original Order issued on May 8, 2000. The interest on the refund should continue to accrue until the refunds are complete. The refunds should be credited to the customers' accounts or mailed to each customer's last known address. Keen should provide monthly refund status reports to the Commission beginning March 20, 2001, pursuant to Rule 25-30.360(7), Florida Administrative Code. These reports should include the information required by Rule 25-30.360(7), Florida Administrative Code. Copies of canceled checks or other evidence which verifies that the refunds have been made should be provided within 30 days from the date the refund is completed. Also, within 30 days of the date of the refund, the utility should provide a list of

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DOCKET NO. 970201-WU - Application for transfer of facilities of Lake Region Paradise Island and amendment of Certificate No. 582-W held by Keen Sales, Rentals and Utilities, Inc. in Polk County.

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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 should be treated as CIAC pursuant to Rule 25-30.360(7), Florida Administrative Code. In addition, the utility should be again placed on notice that pursuant to Sections 367.081(1) and 367.091(3), Florida Statutes, it may, in the future, only charge rates and charges approved by the Commission.

Issue 2: Should this docket be closed?

Recommendation: 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 treated as CIAC. Also, the docket should remain open to address outstanding RAFs and annual report for the period from May 1996 through January 7, 1997, as specified in Order PSC-00-0913-PAA-WU. Staff should be granted administrative authority to close the docket upon verification that the refunds have been made and that the RAFs and annual report issues have been addressed in accordance with Commission orders.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Palecki

ITEM NO.

CASE

43

DOCKET NO. 000649-TP - Petition by MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

Critical Date(s): None (Statutory time limit has been waived by the parties.)

Hearing Date(s): 9/25/00, Talla., Prehrg., JB
10/4 - 6/00, Talla., JC JB BZ

Commissioners Assigned: JC JB BZ
Prehrg Officer JB

Staff: CMP: Fulwood, Barrett, Hinton, Watts, Audu, Bloom,
King
LEG: Christensen

Issue A: What is the Commission's jurisdiction in this matter?

Recommendation: Staff believes that the Commission has jurisdiction pursuant to Section 252 of the Federal Telecommunication Act of 1996 (Act) to arbitrate interconnection agreements. Section 252 states that a State Commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions as required. Further, staff believes that while Section 252(e) of the Act reserves the state's authority to impose additional conditions and terms in an arbitration not inconsistent with Act and its interpretation by the FCC and the courts, the Commission should use discretion in the exercise of such authority.

Issue B: In light of WorldCom Telecommunications Corp. vs. BellSouth Telecommunications, Inc., Order on Merits, issued June 6, 2000, in Case No. 4:97cv141-RH, what are the Commission's authority and obligations relating to arbitration of Issues 107 and 108, liquidated damages and specific performance, respectively?

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DOCKET NO. 000649-TP - Petition by MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

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Recommendation: Please refer to analysis of the Commission's authority and obligations in light of the Order on the Merits as set forth in Issues 107 and 108.

Issue C: If Issues 107 and 108 are appropriate for arbitration, what legal standard should the Commission apply in resolving these issues?

Recommendation: Please refer to analysis of the legal standard to be applied in light of the Order on the Merits as set forth in Issues 107 and 108.

Issue 1: Should the electronically ordered NRC apply in the event an order is submitted manually when electronic interfaces are not available or not functioning within specified standards or parameters?

Recommendation: Where it is determined that BellSouth has an electronic interface in place for its retail offerings, but there is no analogous system in place for comparable services obtained by an ALEC, it would be a reasonable presumption that an ALEC is being denied a meaningful opportunity to compete. Where such a finding is made, BellSouth should charge an electronic ordering charge. However, such a determination will need to be made on a case-by-case basis. Specifically, whether or not MegaLink is deemed to be a retail analogue to a DS-1 combination, staff recommends that, based upon this record, it is reasonable for BellSouth to assess a manual ordering charge.

Issue 2: What prices should be included in the Interconnection Agreements?

Recommendation: In the absence of any testimony from WorldCom contesting BellSouth's proposed rate levels, staff recommends that the prices to be included in the Interconnection Agreement should be those found in the revised direct exhibit of BellSouth witness Cox. (CKC-1, hearing exhibit 25) Since WorldCom's testimony focused not

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on BellSouth's proposed rates, but whether those rates should be interim subject to true-up, staff's recommendation is limited to the issues as narrowed and addressed by WorldCom. Consequently, no recommendation is being made as to the reasonableness of BellSouth's proposed rates because there is no evidence contrary to the evidence provided by BellSouth supporting its rates. With the exception of the prices for collocation and line sharing, these prices are interim and subject to true-up upon establishment of permanent rates by the Commission. The rates for collocation are not subject to true-up. The cost study for line sharing should be modified to incorporate the adjustments, if any, ordered by this Commission in Docket No. 990649-TP and the price should be adjusted prospectively. However, the rate for line sharing is not subject to true-up.

Issue 3: Should the resale discount apply to all telecommunications services BellSouth offers to end users, regardless of the tariff in which the service is contained?
Recommendation: Yes. The resale discount should apply to all telecommunications services BellSouth provides to end users on a retail basis regardless of the tariff in which the service is contained.

Issue 5: Should BellSouth be required to provide OS/DA as a UNE?

Recommendation: No. BellSouth should not be required to provide operator services (OS) or directory assistance (DA) services as a UNE because it provides customized routing.

Issue 6: For the purposes of the interconnection agreement between WorldCom and BellSouth, should BellSouth be directed to perform, upon request, the functions necessary to combine unbundled network elements that are ordinarily combined in its network?

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Recommendation: No. BellSouth is not required to combine unbundled network elements that are ordinarily combined in its network for ALECs at TELRIC rates. However, a carrier may convert special access services to combinations of unbundled loops and transport network elements if the carrier is providing a significant amount of local exchange service as defined in FCC Order No. 00-183.

Issue 8: For the purposes of the interconnection agreement between WorldCom and BellSouth, should UNE specifications include non-industry standard, BellSouth proprietary specifications?

Recommendation: No. For the purposes of the interconnection agreement between WorldCom and BellSouth, UNE specifications should not include non-industry standard, BellSouth proprietary specifications.

Issue 15: For purposes of the interconnection agreement between WorldCom and BellSouth, when a WorldCom customer served via the UNE-platform makes a directory assistance or operator call, must the ANI-II digits be transmitted to WorldCom via Feature Group D signaling from the point of origination?

Recommendation: Yes. Where a WorldCom customer served via the UNE-platform makes a directory assistance or operator call, staff recommends that BellSouth should be required to transmit the ANI-II digits to WorldCom via Feature Group D signaling with customized routing. However, BellSouth should not be required to convert Feature Group C to Feature Group D signaling at the point of origination.

Issue 18: Is BellSouth required to provide all technically feasible unbundled dedicated transport between locations and equipment designated by MCIW so long as the facilities are used to provide telecommunications services, including interoffice transmission facilities to network nodes

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connected to MCIW switches and to the switches or wire centers of other requesting carriers?

Recommendation: No. BellSouth should not be required to provide unbundled dedicated transport to the switches or wire centers of other requesting carriers as designated by WorldCom. However, outside the provisions of this proceeding, the parties may negotiate for a dedicated transport configuration between WorldCom and other carriers' locations as they see fit.

Issue 19: How should BellSouth be required to route OS/DA traffic to WorldCom's operator services and directory assistance platforms?

Recommendation: Where WorldCom acquires unbundled switching from BellSouth, staff recommends that BellSouth should only be required to route OS/DA calls to BellSouth's TOPS platform. However, staff also recommends that BellSouth should be required to route operator services and directory assistance traffic to WorldCom's operator service and directory assistance platforms via Feature Group D using customized routing, at WorldCom's request.

Issue 22: For purposes of the interconnection agreement between WorldCom and BellSouth, should the Interconnection Agreements contain WorldCom's proposed terms addressing line sharing, including line sharing in the UNE-P and unbundled loop configurations?

Recommendation: No. Staff recommends that the new WorldCom/BellSouth Interconnection Agreement not contain WorldCom's terms addressing line sharing in the UNE-P and unbundled loop configurations. Instead, staff recommends BellSouth's language regarding line sharing be included in the new interconnection agreement.

Issue 23: Does MCIW's right to dedicated transport as an unbundled network element include SONET rings?

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Recommendation: No. However, staff recommends that BellSouth is required to provide unbundled access to dedicated transport using SONET rings only where such SONET rings currently exist.

Issue 28: Should BellSouth provide the calling name database via electronic download, magnetic tape, or via similar convenient media?

Recommendation: No. The Commission should not order BellSouth to provide WorldCom the calling name database via electric download, magnetic tape, or via similar convenient media.

Issue 29: Should calls from WorldCom customers to BellSouth customers served via Uniserve, Zipconnect, or any other similar service, be terminated by BellSouth from the point of interconnection in the same manner as other local traffic, without a requirement for special trunking?

Recommendation: Yes. Staff recommends that traffic from WorldCom's network to BellSouth's customers served via Uniserve, Zipconnect, or any other similar services, should be delivered to the local point of interconnection for local traffic or the access point of interconnection for access traffic without special trunking.

Issue 34: For the purposes of the interconnection agreement between WorldCom and BellSouth, is BellSouth obligated to provide and use two-way trunks that carry each party's traffic?

Recommendation: Yes. BellSouth is obligated to provide and use two-way trunks that carry each party's traffic.

Issue 36: Does MCIW, as the requesting carrier, have the right pursuant to the Act, the FCC's Local Competition Order, and FCC regulations, to designate the network point (or points) of interconnection at any technically feasible point?

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CASE

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DOCKET NO. 000649-TP - Petition by MCI metro Access Transmission Services LLC and MCI WorldCom Communications, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

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Recommendation: Yes. WorldCom as the requesting carrier has the right pursuant to the Act, the FCC's Local Competition Order and FCC regulations, to designate the network point (or points) of interconnection at any technically feasible point.

Issue 37: Should BellSouth be permitted to require WorldCom to fragment its traffic by traffic type so it can interconnect with BellSouth's network?

Recommendation: Yes. In order to ensure proper billing of transit traffic, BellSouth should be permitted to require WorldCom to separate transit traffic from local and intraLATA traffic.

Issue 39: For purposes of the interconnection agreement between WorldCom and BellSouth, how should Wireless Type 1 and Type 2A traffic be treated under the Interconnection Agreements?

Recommendation: For billing purposes, Wireless Type 1 traffic should be treated as BellSouth's own traffic since this traffic is indistinguishable. Consequently, BellSouth's proposed language should be modified to require BellSouth to pass on reciprocal compensation payments it receives from WorldCom to the wireless carrier, or, at minimum, indemnify WorldCom as to any claim the wireless carriers may raise concerning those reciprocal compensation payments. For the present, Type 2A traffic should be treated the same as Type 1 traffic. Once meet point billing capabilities are established in accordance with multiple exchange carrier access billing ("MECAB") guidelines, Wireless Type 2A traffic should no longer be treated as Type 1 traffic. Instead, WorldCom should deal directly with the wireless carriers it exchanges traffic with on billing issues.

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Issue 40: For purposes of the interconnection agreement between WorldCom and BellSouth, what is the appropriate definition of Internet Protocol (IP) and how should outbound voice calls over IP telephony be treated for purposes of reciprocal compensation?

Recommendation: On January 24, 2001, BellSouth and WorldCom filed a Stipulation, whereby the parties agree to incorporate language reflecting the Commission's future decision in the pending generic docket, Docket No. 000075-TP. Further, the parties agree that on an interim basis neither parties' proposed language and that the interconnection agreement shall reflect the parties' positions on this issue. Both parties agree that the Commission's decision in the generic docket shall be retroactive from the effective date of the interconnection agreement for this issue. Staff supports the Stipulation.

Issue 42: Should MCIW be permitted to route access traffic directly to BST end offices or must it route such traffic to BST's access tandem?

Recommendation: No, WorldCom should not be permitted to route access traffic directly to BellSouth end offices. WorldCom should route its access traffic to BellSouth access tandem switches via access trunks.

Issue 45: For purposes of the interconnection agreement between WorldCom and BellSouth, how should third party transit traffic be routed and billed by the parties?

Recommendation: For billing purposes, third party transit traffic should be routed on a trunk separate from local and intraLATA toll traffic. Reciprocal compensation for third party transit traffic should be billed by the terminating carrier directly to the originating carrier. BellSouth should bill the originating carrier a transiting fee for third party transit traffic.

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DOCKET NO. 000649-TP - Petition by MCI metro Access Transmission Services LLC and MCI WorldCom Communications, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

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Issue 46: Under what conditions, if any, should the parties be permitted to assign an NPA/NXX code to end users outside the rate center in which the NPA/NXX is homed?

Recommendation: On January 24, 2001, BellSouth and WorldCom filed a Stipulation, whereby the parties agree to incorporate language reflecting the Commission's future decision in the pending generic docket, Docket No. 000075-TP. Further, the parties agree that on an interim basis neither parties' proposed language and that the interconnection agreement shall reflect the parties' positions on this issue. Both parties agree that the Commission's decision in the generic docket shall be retroactive from the effective date of the interconnection agreement for this issue. Staff supports the Stipulation.

Issue 47: For purposes of the interconnection agreement between WorldCom and BellSouth, should reciprocal compensation payments be made for ISP-bound traffic?

Recommendation: Yes. Reciprocal compensation payments should be made for calls to ISPs located within the local calling area of the originating caller.

Issue 51: Under what circumstances is BellSouth required to pay tandem charges when WorldCom terminates BellSouth local traffic?

Recommendation: On January 24, 2001, BellSouth and WorldCom filed a Stipulation, whereby the parties agree to incorporate language reflecting the Commission's future decision in the pending generic docket, Docket No. 000075-TP. The parties agree that it may be necessary to conduct further proceedings basis upon the Commission's decision in the generic docket. Both parties reserve the right to request such further proceedings. The parties agree that on an interim basis neither parties' proposed language shall be included in the interconnection agreement. Further, the

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parties agree on an interim basis that WorldCom shall not bill a tandem rate when it does not use a tandem to terminate BellSouth's originating traffic, subject to the right to retroactively bill a tandem rate upon a determination by the Commission that it is appropriate. Staff supports the Stipulation.

Issue 56: For purposes of the interconnection agreement between WorldCom and BellSouth, should BellSouth be required to provide DC power to adjacent collocation space?

Recommendation: Staff recommends that BellSouth should be required to provide DC power to WorldCom's adjacent collocation space, at WorldCom's request, where local ordinances do not prohibit. However, WorldCom must provide the appropriate direct current cabling certified for outside use.

Issue 59: Should collocation space be considered complete before BellSouth has provided WorldCom with cable facility assignments ("CFAs")?

Recommendation: No. Collocation space should not be considered complete until BellSouth has provided WorldCom with CFAs.

Issue 60: Should BellSouth provide WorldCom with specified collocation information at the joint planning meeting?

Recommendation: Yes. To the extent that WorldCom requests specific collocation information from BellSouth at least fourteen (14) calendar days before the joint planning meeting, BellSouth should be required to provide WorldCom with such information at the joint planning meeting, or in a mutually agreeable time frame thereafter. If WorldCom requests specific collocation information from BellSouth less than fourteen (14) calendar days before the joint planning meeting, BellSouth should be required to provide

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WorldCom with such information within thirty (30) calendar days following the joint planning meeting.

Issue 61: Should the per ampere rate for the provision of DC power to MCIW's collocation space apply to amps used or to fused capacity?

Recommendation: The per ampere rate for the provision of DC power to WorldCom's collocation space should apply to fused capacity.

Issue 63: For purposes of the interconnection agreement between WorldCom and BellSouth, is WorldCom entitled to use any technically feasible entrance cable, including copper facilities?

Recommendation: No. Staff recommends that BellSouth should not be required to allow the use of non-fiber entrance facilities except where WorldCom has an adjacent collocation arrangement.

Issue 64A: Is MCIW entitled to verify BellSouth's assertion, when made, that dual entrance facilities are not available?

Recommendation: Yes. Staff recommends that WorldCom should be allowed to visually verify BellSouth's assertion that dual entrance facilities are not available. However, BellSouth is not required to conduct a "formal tour" of the central office.

Issue 64B: Should BellSouth maintain a waiting list for entrance space and notify MCIW when space becomes available?

Recommendation: No. Staff recommends that BellSouth should not be required to maintain a waiting list for dual entrance facilities. However, BellSouth should be required to post notice on its public website of the date dual entrance facilities will become available in a central office where dual facilities previously were not available.

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Issue 65: What information must BellSouth provide to WorldCom regarding vendor certification?

Recommendation: BellSouth should be required to provide WorldCom with precisely the same information that it provides its own vendors regarding certification, including non-discriminatory access to BellSouth's Vendor Certification Group resources for additional information.

Issue 66: For purposes of the interconnection agreement between WorldCom and BellSouth, what industry guidelines or practices should govern collocation?

Recommendation: Staff recommends that BellSouth should be required to comply with generally accepted industry practices which include many aspects of the technical references proposed by WorldCom. However, WorldCom's proposed standards should not be included in the interconnection agreement as guidelines for collocation between WorldCom and BellSouth.

Issue 67: When WorldCom has a license to use BellSouth rights-of-way, and BellSouth wishes to convey the property to a third party, should BellSouth be required to convey the property subject to WorldCom's license?

Recommendation: No. Staff believes that the Act does not expressly create a duty that BellSouth must convey its property subject to licensing agreements for use of its rights-of-ways. Therefore, staff does not believe when WorldCom has a license to use BellSouth rights-of-way, and BellSouth wishes to convey the property to a third party, BellSouth should be required to convey the property subject to WorldCom's license. Staff notes that BellSouth has agreed to provide reasonable notice to WorldCom of any proposed conveyance or sale of its property.

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Issue 68: For the purposes of the interconnection agreement between WorldCom and BellSouth, should BellSouth require that payments for make-ready work be made in advance?

Recommendation: Yes, BellSouth should require advance payments for make-ready work.

Issue 75: For end users served by INP, should the end user or the end user's local carrier be responsible for paying the terminating carrier for collect calls, third party billed calls or other operator-assisted calls?

Recommendation: The local carrier providing Interim Number Portability to the end user should be responsible for paying the terminating carrier for collect calls, third party billed calls or other operator-assisted calls.

Issue 80: Should BellSouth be required to provide an application-to-application access service order inquiry process?

Recommendation: No. BellSouth should not be required to provide an application-to-application access service order inquiry process to WorldCom.

Issue 81: Should BellSouth provide a service inquiry process for local services as a pre-ordering function?

Recommendation: No. BellSouth should not be ordered to provide a service inquiry process for local services as a pre-ordering function.

Issue 94: Should BellSouth be permitted to disconnect service to WorldCom for nonpayment?

Recommendation: Yes. Absent a good faith billing dispute, if payment of account is not received in the applicable time frame, BellSouth should be permitted to disconnect service to WorldCom for nonpayment.

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Issue 95: Should BellSouth be required to provide WorldCom with billing records with all EMI standard fields?

Recommendation: Yes. BellSouth should be required to provide WorldCom with billing records in the industry-standard EMI format, with all EMI standard fields.

Issue 96: Should BellSouth be required to give written notice when a central office conversion will take place before midnight or after 4 a.m.?

Recommendation: Yes. In addition to its website posting, the Commission should require BellSouth to provide notification using E-mail when a central office conversion is rescheduled to take place outside of the agreed-upon window of between midnight or after 4 a.m.

Issue 96A: For purposes of the interconnection agreement between WorldCom and BellSouth, should BellSouth be required to provide customer service record (CSR) information in a format that permits its use in completing an order for service?

Recommendation: Staff recommends that the issue of parsing CSRs be addressed and resolved in the established Change Control Process currently under way.

Issue 100: For purposes of the interconnection agreement between WorldCom and BellSouth, should BellSouth operators be required to ask callers for their carrier of choice when such callers request a rate quote or time and charges?

Recommendation: No. Staff recommends that BellSouth operators not be required to ask WorldCom customers for their carrier of choice when such customers request a rate quote or time and charges.

Issue 101: For purposes of the interconnection agreement between WorldCom and BellSouth, is BellSouth required to provide shared transport in connection with the provision of custom branding?

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Recommendation: Yes. Staff recommends that BellSouth should be required to provide shared transport in conjunction with custom branding. More specifically, BellSouth should be required to offer its AIN method of customized routing which currently accomplishes this requirement. Also, BellSouth should make available the Originating Line Number Screening method to WorldCom by March 31, 2001, or the release date, if earlier.

Issue 107: For purposes of the interconnection agreement between WorldCom and BellSouth, should the parties be liable in damages, without a liability cap, to one another for their failure to honor in one or more material respects any one or more of the material provisions of the Agreements?

Recommendation: No. Staff believes the record does not provide sufficient evidence upon which a decision can be made as to whether or not to impose the disputed language in the limited liability provision. Therefore, staff recommends that the Commission not impose adoption of any disputed terms contained in the limited liability provision whereby the parties would be liable in damages, without a liability cap, to one another for their failure to honor in one or more material respects any one or more of the material provisions of the Agreements.

Issue 108: For purposes of the interconnection agreement between WorldCom and BellSouth, should WorldCom be able to obtain specific performance as a remedy for BellSouth's breach of contract?

Recommendation: No. Staff recommends that the Commission not impose adoption of a disputed specific performance provision when it is not required under Section 251 of the Act. However, staff notes that since both parties agree that specific performance should be available at least on a case-by-case basis as recognized under Florida law, the

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parties should not adopt any terms or conditions in the Interconnection Agreement that would prohibit either party from exercising the right to seek specific performance on a case-by-case basis.

Issue 109A: Should BellSouth be required to permit WorldCom to substitute more favorable terms and conditions obtained by a third party through negotiation or otherwise, effective as of the date of WorldCom's request?

Recommendation: Staff recommends that BellSouth be required to permit WorldCom to substitute more favorable terms and conditions obtained by a third party through negotiation or otherwise. However, staff believes that the effective date for these terms and conditions would be the issuance date of the Commission's order approving the agreement or if the Commission fails to act, 90 days after submission of the agreement by the parties for the Commission's approval.

Issue 109B: Should BellSouth be required to post on its web site all BellSouth's interconnection agreements with third parties within fifteen days of the filing of such agreements with the Florida PSC?

Recommendation: No. Staff recommends that BellSouth not be required to post BellSouth's interconnection agreements with third parties on its web site.

Issue 110: Should BellSouth be required to take all actions necessary to ensure that WorldCom confidential information does not fall into the hands of BellSouth's retail operations, and should BellSouth bear the burden of proving that such disclosure falls within enumerated exceptions?

Recommendation: Yes. Staff believes it is appropriate to require that BellSouth take "all actions necessary" to protect WorldCom's confidential information. Furthermore, staff believes that it is appropriate to impose the adoption

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of the "rebuttable presumption" burden shifting language proposed by WorldCom.

Issue 111: Should this docket be closed?

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

DECISION: This item was deferred to a special Commission Conference to be held on February 21, 2001.

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44	<p>DOCKET NO. 990750-TP - Petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc.</p> <p>Critical Date(s): None</p> <p>Hearing Date(s): Available upon request</p> <p>Commissioners Assigned: JC (for this decision only) Prehrg Officer JC</p> <p>Staff: CMP: Hinton, Audu, Barrett, Fulwood LEG: Caldwell PAI: Ollila</p> <p><u>Issue 1</u>: Should the Commission grant ITC^DeltaCom Communications, Inc d/b/a ITC^DeltaCom (DeltaCom) and BellSouth Telecommunications, Inc.'s (BellSouth) Second Agreed Motion for Extension of Time? <u>Recommendation</u>: Yes. Staff recommends that the Commission grant the Second Agreed Motion for Extension of Time.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. Staff recommends the docket remain open pending the filing of the Agreement.</p>

DECISION: The recommendations were approved.

Commissioners participating: Jacobs

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45**	<p>DOCKET NO. 991946-TP - Request for arbitration concerning complaint of ITC^DeltaCom Communications, Inc. against BellSouth Telecommunications, Inc. for breach of interconnection terms, and request for immediate relief.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: JC JB Prehrg Officer JC</p> <p>Staff: LEG: Caldwell CMP: Marsh</p> <p><u>Issue 1</u>: Should this docket be closed? <u>Recommendation</u>: Yes.</p>

DECISION: The recommendation was approved.

Commissioners participating: Jacobs, Jaber

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45A**

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

Critical Date(s): None

Commissioners Assigned: JC JB BZ
Prehrg Officer JC

Staff: LEG: M. Stern
ECR: E. Draper

Issue 1: Should Odyssey's Request for Oral Argument be granted?

Recommendation: Parties may address the Commission since the matter has not been to hearing. Therefore, the Request for Oral Argument does not require a ruling. Each party should be allowed ten minutes to address the Commission.

Issue 2: Should Odyssey's Motion for Reconsideration be granted?

Recommendation: No. Odyssey's Motion does not identify a point of fact or law that was overlooked or omitted.

Issue 3: Should Odyssey's Motion for Clarification be granted?

Recommendation: No. Odyssey's Motion is not ripe for adjudication.

Issue 4: Should Allied's Motion for Reconsideration be granted?

Recommendation: Allied's motion should be denied, except to the extent it requires disclosure of information pertaining to products other than sodium hypochlorite or substitute products. Discovery is to go to parties by February 12, 2001.

Issue 5: Should this docket be closed?

Recommendation: No. This docket should not be closed.

DECISION: The recommendations were approved with the noted modification to Issue 4.

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

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46**

DOCKET NO. 001097-TP - Request for arbitration concerning complaint of BellSouth Telecommunications, Inc. against Supra Telecommunications and Information Systems, Inc. for resolution of billing disputes.

Critical Date(s): None

Commissioners Assigned: **JB BZ (for this decision only)**
Prehrg Officer JB

Staff: LEG: Fordham
CMP: Fulwood

Issue 1: Should Supra's Motion for Reconsideration or Clarification of Order on Supra's Motion to Dismiss be granted?

Recommendation: No. The Commission should deny Supra's Motion for Reconsideration or Clarification of Order on Supra's Motion to Dismiss.

Issue 2: Should this docket be closed?

Recommendation: No. The Docket is presently set for hearing and should remain open pending the outcome of the hearing.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Baez

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47**

DOCKET NO. 990108-TP - Request for arbitration concerning complaint of The Other Phone Company, Inc. d/b/a Access One Communications against BellSouth Telecommunications, Inc. regarding breach of resale agreement.

Critical Date(s): None

Commissioners Assigned: JB BZ
Prehrg Officer - Pending

Staff: LEG: Fordham
CMP: Hinton

Issue 1: Should the Commission grant BellSouth's Motion to Dismiss Complaint?

Recommendation: Yes. Access One has failed to diligently pursue its Complaint and the Complaint should be dismissed.

Issue 2: Should this Docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this Docket will require no further action, and may be closed.

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

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