

MINUTES OF

COMMISSION CONFERENCE, TUESDAY, FEBRUARY 15, 2000

COMMENCED: 9:30 a.m.

ADJOURNED: 1:15 p.m.

COMMISSIONERS PARTICIPATING: Chairman Garcia
Commissioner Deason
Commissioner Clark
Commissioner Jacobs

- 1 Approval of Minutes
December 21, 1999 Regular Commission Conference.

DECISION: The minutes were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

- 2 Consent Agenda
- A) Applications for certificates to provide pay telephone service.
- DOCKET NO. 991884-TC - Belony Saint-Vil d/b/a SAINTEL, INC.
DOCKET NO. 000037-TC - Michael R. Kraus d/b/a M.C. Communications
DOCKET NO. 000044-TC - Patricia M. Kucik
DOCKET NO. 000045-TC - STI Service, Inc.
DOCKET NO. 000050-TC - Val Tel Communications, Inc.
DOCKET NO. 000052-TC - Salauddin Chawdury
DOCKET NO. 000076-TC - Edward Wong
- B) Applications for certificates to provide alternative local exchange telecommunications service.
- DOCKET NO. 990993-TX - Jones Phones, Inc.
DOCKET NO. 991765-TX - LightNetworks, Inc.
DOCKET NO. 991768-TX - Compact Data Systems, Inc.
- C) Applications for certificates to provide interexchange telecommunications service.
- DOCKET NO. 991640-TI - Empire Telecom Services, Inc.
DOCKET NO. 991325-TI - USA Digital Communications, Inc.
DOCKET NO. 991766-TI - LightNetworks, Inc.
DOCKET NO. 991811-TI - Metrocall, Inc.
DOCKET NO. 991842-TI - BCGI Communications Corp.
- D) Requests for cancellation of pay telephone certificates.

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Consent Agenda

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DOCKET NO. 992027-TC - Stephen K. Wright d/b/a Telestar
Payphones
DOCKET NO. 000027-TC - American Public Telephone Company,
South, Inc.
DOCKET NO. 000066-TC - Charles Kaufman
DOCKET NO. 000067-TC - Coinphone Plus Communications,
Inc.
DOCKET NO. 000068-TC - Swire Brickell Three Inc.
DOCKET NO. 000069-TC - Lamp Post Lounge, Inc.
DOCKET NO. 000070-TC - Dr. Henry N. Merritt, Jr., P.A.
DOCKET NO. 000073-TC - Swire Brickell One Inc.
DOCKET NO. 991822-TC - High Point Communications, Inc.
DOCKET NO. 000103-TC - Shayne E. Ryan
DOCKET NO. 000106-TC - Judy C. Lozano

E) Requests for cancellation of interexchange
telecommunications certificates.

DOCKET NO. 992036-TI - Phone Plus, Inc.
DOCKET NO. 000033-TI - Ocean Communications

F) Requests for approval of resale agreements.

DOCKET NO. 991809-TP - Sprint-Florida, Incorporated with
PARCOM Communications, Inc.
(Critical Date: 3/2/00)
DOCKET NO. 991815-TP - BellSouth Telecommunications, Inc.
with Annox, Inc.
(Critical Date: 3/2/00)
DOCKET NO. 991816-TP - BellSouth Telecommunications, Inc.
with 1-800-RECONEX, Inc.
(Critical Date: 3/2/00)
DOCKET NO. 991893-TP - GTE Florida Incorporated with
Miracle Communications
(Critical Date: 3/9/00)
DOCKET NO. 991894-TP - ALLTEL Communications, Inc. with
Onyx Distributing Company, Inc.
d/b/a Florida Comm South
(Critical Date: 3/9/00)

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DOCKET NO. 991910-TP - BellSouth Telecommunications, Inc.
with InterCept Communications
Technologies, Inc.

(Critical Date: 3/13/00)

DOCKET NO. 991911-TP - BellSouth Telecommunications, Inc.
with COMUSA, Inc.

(Critical Date: 3/13/00)

DOCKET NO. 991921-TP - BellSouth Telecommunications, Inc.
with The Other Phone Co., Inc.

d/b/a Omnicall, Inc.

(Critical Date: 3/13/00)

G) Requests for approval of amendments to resale agreements.

DOCKET NO. 991905-TP - BellSouth Telecommunications, Inc.
with Credit Loans, Inc. d/b/a Loan
Star State Telephone Co.

(Critical Date: 3/13/00)

DOCKET NO. 991906-TP - BellSouth Telecommunications, Inc.
with Planetlink Communications,
Inc.

(Critical Date: 3/13/00)

DOCKET NO. 991912-TP - BellSouth Telecommunications, with
Go-Comm, Inc.

(Critical Date: 3/13/00)

DOCKET NO. 991914-TP - BellSouth Telecommunications, Inc.
with One EZ Call, Inc.

(Critical Date: 3/13/00)

DOCKET NO. 991917-TP - BellSouth Telecommunications, Inc.
with State Communications, Inc.

(Critical Date: 3/13/00)

DOCKET NO. 991916-TP - BellSouth Telecommunications, Inc.
with International Design Group,
Inc. d/b/a USA Telecom

(Critical Date: 3/13/00)

DOCKET NO. 991926-TP - BellSouth Telecommunications, Inc.
with The Other Phone Company, Inc.

d/b/a Access One Communications

(Critical Date: 3/14/00)

H) Requests for approval of interconnection agreements.

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DOCKET NO. 991891-TP - GTE Florida Incorporated with
Gabriel Wireless, LLC
(Critical Date: 3/9/00)

DOCKET NO. 991900-TP - ALLTEL Florida, Inc. with Larsen
Cellular Communications, Ltd.
(Critical Date: 3/12/00)

DOCKET NO. 991909-TP - Sprint-Florida, Incorporated with
Nextel South Corp.
(Critical Date: 3/13/00)

DOCKET NO. 991922-TP - Sprint-Florida, Incorporated with
ALLTEL Communications, Inc.
(Critical Date: 3/13/00)

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

DOCKET NO. 991915-TP - BellSouth Telecommunications, Inc.
with Computer Business Sciences,
Inc.
(Critical Date: 3/13/00)

DOCKET NO. 991918-TP - BellSouth Telecommunications, Inc.
with OptiLink Communications, Inc.
(Critical Date: 3/13/00)

DOCKET NO. 991920-TP - BellSouth Telecommunications, Inc.
with Adelphia Business Solutions
of Jacksonville, Inc.
(Critical Date: 3/13/00)

DOCKET NO. 991924-TP - BellSouth Telecommunications, Inc.
with Navigator Telecommunications,
LLC
(Critical Date: 3/14/00)

DOCKET NO. 991925-TP - BellSouth Telecommunications, Inc.
with Palm Beach Telephone Company
(Critical Date: 3/14/00)

DOCKET NO. 991927-TP - BellSouth Telecommunications, Inc.
with DIECA Communications, Inc.
d/b/a Covad Communications Company
(Critical Date: 3/14/00)

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- DOCKET NO. 991928-TP - BellSouth Telecommunications, Inc.
with IDS Long Distance, Inc.
(Critical Date: 3/14/00)
- J) DOCKET NO. 991907-TP - Request by Sprint-Florida,
Incorporated for approval of interconnection, unbundling,
and resale agreement with PaeTec Communications, Inc.
(Critical Date: 3/13/00)
- K) Requests for approval of amendments to interconnection,
unbundling, resale, and collocation agreements.
- DOCKET NO. 991892-TP - GTE Florida Incorporated with
DIECA Communications, Inc. d/b/a
Covad Communications Company.
(Critical Date: 3/9/00)
- DOCKET NO. 991929-TP - BellSouth Telecommunications with
JATO Operating Two Corp.
(Critical Date: 3/14/00)
- L) DOCKET NO. 991913-TP - Request by BellSouth
Telecommunications, Inc. for approval of amendment to
existing collocation agreement with Prism Florida
Operations, LLC.
(Critical Date: 3/13/00)
- M) DOCKET NO. 992033-TX - Application for approval of change
of majority interest in DPI-Teleconnect, L.L.C. (holder
of ALEC Certificate No. 5751) from DPI Holdings, Inc. and
Koch Ventures, Inc. to Rent-Way, Inc.
- N) DOCKET NO. 991972-TI - Joint petition for transfer of
control of Easton Telecom Services, Inc. (holder of ALEC
Certificate No. 5187 and IXC Certificate No. 3989) from
Robert E. Mocas to Teligent, Inc.
- O) DOCKET NO. 000026-TI - Request for approval of transfer
of control of Coast International, Inc. (holder of IXC
Certificate No. 2446) to eGlobe, Inc., whereby Coast
International will become a wholly-owned subsidiary of
eGlobe.

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<u>ITEM NO.</u>	<u>CASE</u>
2	Consent Agenda (Continued from previous page) P) DOCKET NO. 000031-TL - Request for approval of transfer of majority organizational control of GTC, Inc. d/b/a GT Com, holder of Local Exchange Telecommunications Certificate No. 29, from TPG Communications, Inc. and four shareholders to MJD Ventures, Inc. <u>Recommendation:</u> The Commission should approve the action requested in the dockets referenced above and close these dockets.

DECISION: The recommendation was approved with the exception of Docket No. 991926-TP which was withdrawn.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
3	<p>DOCKET NO. 960598-TP - Request for submission of proposal for provision of relay service, beginning in June 1997, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer DS</p> <p>Staff: CMU: King, Tudor APP: Brown PAI: Miller</p> <p><u>Issue 1</u>: Should MCI's current contract be amended to eliminate the requirement that MCI handle at least 95% of Florida's relay traffic at its Florida center during the transition to a new relay provider? <u>Recommendation</u>: Yes, MCI's current contract should be amended to eliminate the requirement that MCI handle at least 95% of Florida's relay traffic at its Florida center.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
4	DOCKET NO. 991222-TP - Request for submission of proposals for relay service, beginning in June 2000, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

Critical Date(s): The current contract with MCI expires on May 31, 2000 and AT&T has protested the Commission's contract award to Sprint. Therefore, a Commission decision is needed to select an interim relay service provider in order to prevent a lapse in service.

Commissioners Assigned: **DS CL JC**
Prehrg Officer DS

Staff: CMU: King, Tudor
APP: Brown
PAI: Miller

Issue 1: Should the Florida Public Service Commission contract, beginning June 1, 2000, on an interim basis, for the provision of relay service?

Recommendation: Yes. The Executive Director should finalize and sign a contract with Sprint, as described in the analysis portion of staff's February 8, 2000 memorandum, to provide the Florida Relay Service (FRS) on an interim basis.

Issue 2: Should this docket be closed?

Recommendation: No.

DECISION: This item was continued to February 22, 2000 at 8:30 a.m. to allow the parties to submit modified proposals by the close of business, February 18, 2000.

Commissioner Deason dissented.

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

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<u>ITEM NO.</u>	<u>CASE</u>
4	DOCKET NO. 991222-TP - Request for submission of proposals for relay service, beginning in June 2000, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

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Ms. Marsha Rule and Ms. Cathy Drew, representing AT&T of Southern States, Inc., addressed the Commission.

Ms. Jennifer Spade and Ms. Donna McNulty, representing MCI World, addressed the Commission.

Commissioners participating: Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
5	DOCKET NO. 960725-GU - Proposed Rule 25-7.0335, F.A.C., Transportation Service. Critical Date(s): None Rule Status: Proposed Commissioners Assigned: Full Commission Prehrg Officer GR Staff: AFA: Helton APP: Hewitt EAG: Bulecza-Banks, Makin

Issue 1: Should the Commission propose Rule 25-7.0335, F.A.C., Transportation Service?

Recommendation: Yes, the Commission should propose the rule.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rule as proposed should be filed for adoption with the Secretary of State and the docket closed.

DECISION: The recommendations were approved with the amendment to (1) on Page 11, Line 6, "Each utility may elect to make such transportation option available to residential customers where it is cost effective to do so.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
6	<p>DOCKET NO. 981104-EU - Proposed amendment of Rule 25-6.049, F.A.C., Measuring Customer Service.</p> <p>Critical Date(s): None</p> <p>Rule Status: Adoption may be deferred</p> <p>Hearing Date(s): 3/15/99, Talla., rule hrg., staff 5/5/99, Talla., rule hrg., staff 12/2/99, Talla., rule hrg., staff</p> <p>Commissioners Assigned: Full Commission Prehrq Officer JC</p> <p>Staff: APP: Helton</p> <p><u>Issue 1</u>: Should the Commission adopt the proposed amendments to clarify Rule 25-6.049, Florida Administrative Code, Measuring Customer Service? <u>Recommendation</u>: Yes. The Commission should adopt the proposed amendments with an additional clarifying change.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. The rule as approved by the Commission should be filed for adoption with the Secretary of State and the docket closed.</p>

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

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DOCKET NO. 991973-EQ - Petition of Florida Power Corporation for approval of a standard offer contract based on a 2003 combined cycle avoided unit and accompanying Rate Schedule COG-2 pursuant to Section 366.051, F.S., and Rules 25-22.036(4) and 25-17.0832(4), F.A.C.

Critical Date(s): 2/18/00 (60-day deadline on tariff suspension)
3/17/00 (90-day deadline on rule waiver request)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: EAG: Haff, Ging
LEG: Jaye

Issue 1: Should FPC's petition for a waiver from the timing requirements of Rule 25-17.0832(4)(e)(5), Florida Administrative Code, be granted?

Recommendation: Yes. FPC has demonstrated that the purpose of the underlying statute will be met, and that FPC and its ratepayers will suffer substantial hardship if the variance is not granted.

Issue 2: Should FPC's petition for a waiver from the ten-year minimum contract term requirement of Rule 25-17.0832(4)(e)(7), Florida Administrative Code, be granted?

Recommendation: Yes. FPC has demonstrated that the purpose of the underlying statute will be met, and that FPC and its ratepayers will suffer substantial hardship if the variance is not granted.

Issue 3: Should FPC's proposed COG-2 (firm capacity and energy) tariff be suspended?

Recommendation: Yes. FPC's proposed new standard offer contract should be suspended pending disposition of FPC's

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DOCKET NO. 991973-EQ - Petition of Florida Power Corporation for approval of a standard offer contract based on a 2003 combined cycle avoided unit and accompanying Rate Schedule COG-2 pursuant to Section 366.051, F.S., and Rules 25-22.036(4) and 25-17.0832(4), F.A.C.

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petitions for rule waivers discussed in Issues 1 and 2.
Issue 4: Should this docket be closed?
Recommendation: No. This docket should remain open to dispose of the proposed tariff after the requested rule waivers are final.

DECISION: The recommendations were approved with a modification to Issue No. 3 that if no protest is received to Issues Nos. 1 and 2, staff shall administratively approve Florida Power Corporation's proposed COG-2 tariff.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
8	<p>DOCKET NO. 990249-EQ - Petition by Florida Power & Light Company for approval of a standard offer contract and revised COG-2 tariff.</p> <p>Critical Date(s): 3/20/00 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer DS</p> <p>Staff: EAG: Ballinger LEG: Jaye</p> <p><u>Issue 1:</u> Should the First Amended Petition of Florida Power & Light Company for Approval of a Standard Offer Contract be approved?</p> <p><u>Recommendation:</u> Yes. The proposed Standard Offer Contract is consistent with Rule 25-17.0832(4)(a), Florida Administrative Code. The proposed Standard Offer Contract no longer contains a "regulatory out" clause and is based upon a 163 MW combustion turbine unit similar to what is being installed at the Fort Myers site. The proposed contract contains a 5 MW subscription limit. In addition, the amended Standard Offer Contract contains a two-week open solicitation period, a 10% equity adjustment, and a five-year term.</p> <p><u>Issue 2:</u> Should this docket be closed?</p> <p><u>Recommendation:</u> Yes. If no person whose substantial interests are affected files a request for a Section 120.57(1), Florida Statutes, hearing within 21 days of the order, the order will become final and effective upon the issuance of a consummating order. Because no further action will be required, this docket should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
9	<p>DOCKET NO. 991834-EI - Petition for approval of deferred accounting treatment for the Gulf Coast Ozone Study Program by Gulf Power Company.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: AFA: Merta EAG: Breman, D. Lee LEG: Jaye</p> <p><u>Issue 1</u>: Should Gulf Power Company's petition for approval of deferred accounting treatment for the Gulf Coast Ozone Study Program be approved? <u>Recommendation</u>: No. The Gulf Coast Ozone Study Program costs should be expensed as incurred.</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 issuance of the order, this docket should be closed upon the issuance of a consummating order.</p> <p><u>DECISION</u>: The recommendation for Issue No. 1 was denied, recovery is to be allowed through the clause with a net amount of \$178,000 that is already being recovered in base rates. The recommendation for Issue No. 2 was approved.</p> <p>Mr. Jeff Stone, representing Gulf Power Company, addressed the Commission.</p> <p>Commissioners participating: Garcia, Deason, Clark, Jacobs</p>

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<u>ITEM NO.</u>	<u>CASE</u>
10	<p>DOCKET NO. 991791-EG - Approval of demand-side management plan of Tampa Electric Company.</p> <p>Critical Date(s): 2/27/00 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer GR</p> <p>Staff: LEG: Crossman EAG: Colson, Ging</p> <p><u>Issue 1</u>: Should the Commission suspend Tampa Electric Company's (TECO) petition for approval of its demand-side management plan? <u>Recommendation</u>: Yes. The Commission should suspend TECO's petition for approval of its demand-side management plan.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. The docket should remain open until the Commission either approves or denies TECO's petition for approval of its demand-side management plan.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
11	<p>DOCKET NO. 991789-EG - Approval of demand-side management plan of Florida Power Corporation.</p> <p>Critical Date(s): 2/27/00 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer GR</p> <p>Staff: LEG: Crossman EAG: Haff, Ging</p> <p><u>Issue 1</u>: Should the Commission suspend Florida Power Corporation's (FPC) petition for approval of its demand-side management plan? <u>Recommendation</u>: Yes. The Commission should suspend FPC's petition for approval of its demand-side management plan.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. The docket should remain open until the Commission either approves or denies FPC's petition for approval of its demand-side management plan.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
12	<p>DOCKET NO. 991788-EG - Approval of demand-side management plan of Florida Power & Light Company.</p> <p>Critical Date(s): 2/27/00 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer GR</p> <p>Staff: LEG: Crossman EAG: Harlow, Ging</p> <p><u>Issue 1</u>: Should the Commission suspend Florida Power & Light's (FPL) petition for approval of its demand-side management plan? <u>Recommendation</u>: Yes. The Commission should suspend FPL's petition for approval of its demand-side management plan.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. The docket should remain open until the Commission either approves or denies FPL's petition for approval of its demand-side management plan.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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13

DOCKET NO. 991799-TP - Joint application of MCI WorldCom, Inc. and Sprint Corporation for acknowledgment or approval of merger whereby MCI WorldCom will acquire control of Sprint and its Florida operating subsidiaries, ASC Telecom, Inc. d/b/a AlternaTel (holder of IXC Certificate No. 4398), Sprint Communications Company Limited Partnership (holder of PATS Certificate No. 5359 and ALEC Certificate No. 4732), Sprint Communications Company, Limited Partnership d/b/a Sprint (holder of IXC Certificate No. 83), Sprint Payphone Services, Inc. (holder of PATS Certificate No. 3822), and Sprint-Florida, Incorporated (holder of LEC Certificate No. 22 and PATS Certificate No. 5365).

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Clemons
CMU: Williams

Issue 1: Should the Commission grant TRA's Motion for Leave to Intervene?

Recommendation: No. TRA has failed to sufficiently allege standing to protest the approval of the transfer of control of Sprint to MCI WorldCom. TRA's Motion for Leave to Intervene should, therefore, be denied. The Commission should also accept MCI WorldCom/Sprint's response to TRA's motion.

Issue 2: Should the Commission approve the sale of outstanding stock and transfer of control of Sprint Corporation and its Florida operating subsidiaries, ASC Telecom, Inc. d/b/a AlternaTel (holder of IXC Certificate No. 4398), Sprint Communications Company Limited Partnership (holder of PATS Certificate No. 5359 and ALEC Certificate No. 4732), Sprint Communications Company Limited Partnership d/b/a Sprint (holder of IXC Certificate No. 83), Sprint Payphone Services, Inc. (holder of PATS Certificate No. 3822), and Sprint-Florida, Incorporated (holder of LEC Certificate No. 22 and PATS Certificate No. 5365) to MCI WorldCom, Inc.?

Recommendation: Yes. The Commission should approve the transfer of control of Sprint Corporation and its Florida operating subsidiaries to MCI WorldCom, Inc.

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13 DOCKET NO. 991799-TP - Joint application of MCI WorldCom, Inc. and Sprint Corporation for acknowledgment or approval of merger whereby MCI WorldCom will acquire control of Sprint and its Florida operating subsidiaries, ASC Telecom, Inc. d/b/a AlternaTel (holder of IXC Certificate No. 4398), Sprint Communications Company Limited Partnership (holder of PATS Certificate No. 5359 and ALEC Certificate No. 4732), Sprint Communications Company, Limited Partnership d/b/a Sprint (holder of IXC Certificate No. 83), Sprint Payphone Services, Inc. (holder of PATS Certificate No. 3822), and Sprint-Florida, Incorporated (holder of LEC Certificate No. 22 and PATS Certificate No. 5365).

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Issue 3: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's proposed agency action in Issue 2 files a protest within 21 days of issuance of the order.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
14	<p>DOCKET NO. 991861-TI - Refund of overcharges by Coastal Telephone Company (presently Broadwing Telecommunications Inc.) for overtiming intrastate long distance services, and initiation of show cause proceedings against Coastal Telephone Company for violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer GR</p> <p>Staff: LEG: Fordham AFA: Samaan CMU: Trubelhorn</p> <p><u>Issue 1</u>: Should the Commission accept Coastal Telephone Company's offer to refund and refund calculation of \$4,892.36, plus interest of \$410.45, for a total of \$5,302.81, for overcharging subscribers by overtiming calling card intrastate long distance calls from March 1998 through March 1999?</p> <p><u>Recommendation</u>: Yes. The Commission should accept Coastal's offer to refund and refund calculation of \$4,892.36, adding interest of \$410.35, for a total of \$5,302.81, for overcharging subscribers by overtiming calling card intrastate long distance calls from March 1998 through March 1999. If no timely protest is filed by a person whose substantial interests are affected by the Commission's proposed agency action, the company should remit the refund payment to the Commission for forwarding to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), F.S., within 5 business days after issuance of the consummating order. If the company fails to pay in accordance with the terms of the Commission's Order, the company's certificate should be canceled administratively.</p> <p><u>Issue 2</u>: Should the Commission accept the company's settlement offer to resolve Coastal's apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?</p> <p><u>Recommendation</u>: Yes. The Commission should accept the company's settlement offer of \$2,500 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. Any contribution should be</p>

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

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received by the Commission within ten business days from the issuance date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission's Order, the company's certificate should be canceled administratively.

Issue 3: Should this docket be closed?

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

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

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
15	<p>DOCKET NO. 991319-TX - Initiation of show cause proceedings against ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.</p> <p>DOCKET NO. 991756-TI - Initiation of show cause proceedings against ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.</p> <p>DOCKET NO. 991757-TX - Initiation of show cause proceedings against American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer JC (991319) Prehrg Officer ADM (991756) Prehrg Officer ADM (991757)</p> <p>Staff: LEG: Caldwell CAF: Stokes CMU: Kennedy</p> <p><u>Issue 1</u>: Should the Commission accept the settlement offer proposed by e.spire Communications, Inc. (e.spire) on behalf of ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (Company Code TX139), ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (Company Code TJ058), and American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. (Company Code TX040) to resolve the show cause proceedings for apparent violations of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?</p> <p><u>Recommendation</u>: Yes. Staff believes the terms of the settlement agreement as summarized in this recommendation are fair and reasonable, and we support the voluntary contribution to the General Revenue Fund pursuant to Section 364.285, Florida Statutes, in the amount of \$6,500.00. The contribution should be received by the Commission within 30 days from the date of the Commission Order and should identify the docket numbers and the names of the companies. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue</p>

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<u>ITEM NO.</u>	<u>CASE</u>
15	DOCKET NO. 991319-TX - Initiation of show cause proceedings against ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries. DOCKET NO. 991756-TI - Initiation of show cause proceedings against ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries. DOCKET NO. 991757-TX - Initiation of show cause proceedings against American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

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Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, the companies' certificates should be canceled administratively.

Issue 2: Should these dockets be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, these dockets should be closed upon receipt of the \$6,500 contribution or cancellation of the certificates.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
16	<p>DOCKET NO. 991823-TC - Request for exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by BellSouth Public Communications, Inc.</p> <p>Critical Date(s): 3/6/00 (statutory deadline)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: Isler LEG: Stern</p> <p><u>Issue 1</u>: Should the Commission grant the provider listed on page 4 of staff's February 3, 2000 memorandum an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed? <u>Recommendation</u>: Yes.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the proposed agency action order.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Garcia, Deason, Clark, Jacobs</p>

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<u>ITEM NO.</u>	<u>CASE</u>
17	<p>DOCKET NO. 991510-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 3179 issued to InterOffice Management, Inc. d/b/a InterOffice Miami, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: Isler LEG: Stern</p> <p><u>Issue 1</u>: Should the Commission accept the settlement offer proposed by InterOffice Management, Inc. d/b/a InterOffice Miami, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies? <u>Recommendation</u>: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
18	<p>DOCKET NO. 991449-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 2388 issued to OAN Services of Florida, Inc. d/b/a Operator Assistance Network for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: Isler LEG: K. Peña, B. Keating</p> <p><u>Issue 1</u>: Should the Commission accept the settlement offer proposed by OAN Services of Florida, Inc. d/b/a Operator Assistance Network to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies? <u>Recommendation</u>: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
19	<p>DOCKET NO. 991333-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5931 issued to Robert D. Ellis d/b/a Wright Communications for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>DOCKET NO. 991346-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5972 issued to Juan R. Acevedo for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer JC</p> <p>Staff: CMU: Isler LEG: K. Peña, B. Keating</p> <p><u>Issue 1</u>: Should the Commission grant the companies listed on page 4 of staff's February 3, 2000 memorandum a voluntary cancellation of their pay telephone certificates? <u>Recommendation</u>: Yes. The Commission should grant each company a voluntary cancellation of its pay telephone certificate with an effective date of December 31, 1999.</p> <p><u>Issue 2</u>: Should these dockets be closed? <u>Recommendation</u>: Yes. If the Commission approves staff's recommendation in Issue 1, these dockets should be closed.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Garcia, Deason, Clark, Jacobs</p>

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ITEM NO.

CASE

20

DOCKET NO. 991345-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5971 issued to THETA COMM, INC. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JC

Staff: CMU: Isler
LEG: K. Peña, B. Keating

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

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

Issue 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
21	<p>DOCKET NO. 991840-TI - Application for certificate to provide interexchange telecommunications service by EL Rincon Doradoby d/b/a Leonel Macedo.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: Williams LEG: K. Peña</p> <p><u>Issue 1</u>: Should a certificate be granted to El Rinco Doradoby d/b/a Leonel Macedo to provide interexchange telecommunication service within the State of Florida? <u>Recommendation</u>: No.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's proposed agency action files a written protest within 21 days of the issuance date of the proposed agency action order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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ITEM NO.

CASE

22

DOCKET NO. 000021-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 FoxTel, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMU: Biegalski
AFA: D. Draper
LEG: Caldwell

Issue 1: Should the Commission order FoxTel, Inc. to refund \$3,292.70, plus interest of \$187.89, for a total of \$3,480.59 for overcharging end users on intrastate 0+ calls made from pay telephones and in a call aggregator context from February 1, 1999, through August 24, 1999?

Recommendation: Yes. The Commission should order FoxTel to refund \$3,292.70, plus interest of \$187.89, for a total of \$3,480.59 for overcharging end users on intrastate 0+ calls made from pay telephones and in a call aggregator context from February 1, 1999, through August 24, 1999. The refunds should be made through credits to customers' local exchange telephone bills between April 2000 and May 2000. At the end of the refund period, any unrefunded amount, including interest, should be remitted to the Commission by June 10, 2000, and forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. FoxTel should submit a final report as required by Rule 25-4.114, Florida Administrative Code, Refunds, by June 10, 2000.

Issue 2: Should FoxTel, Inc. be required to show cause why it should not pay a fine for overbilling of calls in excess of the rate cap established in Rule 25-24.630, F.A.C., Rate and Billing Requirements?

Recommendation: No.

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<u>ITEM NO.</u>	<u>CASE</u>
22	DOCKET NO. 000021-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 FoxTel, Inc.

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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 on Issue 1 within the 21-day protest period, this docket should remain open pending 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 may be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
23	<p>DOCKET NO. 991697-TL - Request for waiver of collocation requirements in the Holly-Navarre central office by BellSouth Telecommunications, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer DS</p> <p>Staff: CMU: Favors LEG: Vaccaro</p> <p><u>Issue 1</u>: Should BellSouth's Request for Waiver of Physical Collocation Requirements in the Holly-Navarre Central Office be granted? <u>Recommendation</u>: Yes. The Commission should grant BellSouth a Waiver of Physical Collocation Requirements in the Holly-Navarre Central Office until December 31, 2000.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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ITEM NO.

CASE

24

DOCKET NO. 000104-TL - Request for approval of tariff filing to increase rates for charge accounts, foreign exchange listings, caller ID name, call return, repeat dialing, call waiting deluxe, and to eliminate multiple feature discount by Frontier Communications of the South, Inc. (T-00-0091 filed January 19, 2000)

Critical Date(s): None (30-day suspension date waived by the company)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMU: Hawkins
LEG: Vaccaro

Issue 1: Should Frontier's proposed tariff filing to increase rates for Charge Accounts, Foreign Exchange Listings, Caller ID Name, Call Return, Repeat Dialing, Call Waiting Deluxe and to eliminate the Multiple Feature Discount be approved?

Recommendation: Yes. The proposed tariff filing to increase rates for Charge Accounts, Foreign Exchange Listings, Caller ID Name, Call Return, Repeat Dialing, Call Waiting Deluxe and to eliminate the Multiple Feature Discount should be approved, with an effective date of February 20, 2000.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this tariff should become effective on February 20, 2000. If a protest is filed within 21 days from the issuance date of the Order, this tariff should remain in effect pending resolution of the protest with any revenues held subject to refund. If no timely protest is filed, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
25	<p>DOCKET NO. 990950-TP - Request by BellSouth Telecommunications, Inc. for approval of interconnection, unbundling, resale, and collocation agreement with The Other Phone Company, Inc. d/b/a Access One Communications.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: Cordiano LEG: Clemons</p> <p><u>Issue 1</u>: Should the Commission approve the negotiated agreement between BellSouth and Access One? <u>Recommendation</u>: Yes. The Commission should approve the negotiated agreement between BellSouth and Access One except for Attachment 13 and any references to it. Staff recommends rejection of Attachment 13 of the negotiated agreement because it is not consistent with the public interest.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. Upon approval of staff's recommendation in Issue 1, this docket should be closed.</p> <p><u>DECISION</u>: This item was deferred to a later Commission Conference.</p> <p>Ms. Nancy Sims, representing BellSouth Telecommunications, Inc., addressed the Commission.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
26	<p>DOCKET NO. 991660-WS - Application of United Water Florida Inc., holder of Certificates Nos. 236-W and 179-S in Duval, Nassau, and St. Johns Counties, for transfer of majority organizational control of corporate grandparent, United Water Resources, Inc., to Lyonnaise American Holding, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: WAW: Clapp, Redemann LEG: VanLeuven</p> <p><u>Issue 1</u>: Should the application for transfer of majority organizational control of UWR to LAH be approved? <u>Recommendation</u>: Yes, the application for transfer of majority organizational control of UWR to LAH should be approved.</p> <p><u>Issue 2</u>: Should rate base be established? <u>Recommendation</u>: No. Different ownership of stock does not affect the rate base balance.</p> <p><u>Issue 3</u>: Should an acquisition adjustment be approved? <u>Recommendation</u>: No. An acquisition adjustment should not be included in the calculation of rate base for transfer purposes.</p> <p><u>Issue 4</u>: Should the rates and charges approved for this utility be continued? <u>Recommendation</u>: Yes, the rates and charges approved for United Water should be continued.</p> <p><u>Issue 5</u>: Should this docket be closed? <u>Recommendation</u>: Yes, this docket should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs

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<u>ITEM NO.</u>	<u>CASE</u>
27	<p>DOCKET NO. 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): 10/11/99, Talla., Prehrg., JC 10/27, 28/00, Talla., CL JC 1/11/00, Talla., Sp. Ag., CL JC</p> <p>Commissioners Assigned: CL JC (GR - to break tie vote, pursuant to 350.01(5), F.S.) Prehrg Officer JC</p> <p>Staff: CMU: Favors, Audu, Barrett, Brown, Fulwood, Hinton, Ollila LEG: Caldwell</p> <p><u>Issue 23</u>: Should BellSouth be required to pay reciprocal compensation to ITC^DeltaCom for all calls that are properly routed over local trunks, including calls to Internet Service Providers (ISPs)?</p> <p><u>Recommendation</u>: Staff recommends that the parties should continue to operate under the terms of their current interconnection agreement in regards to this issue until the FCC issues its final ruling on whether reciprocal compensation is due for ISP-bound traffic.</p> <p><u>DECISION</u>: The recommendation was approved.</p> <p>Commissioners participating: Garcia</p>

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<u>ITEM NO.</u>	<u>CASE</u>
28	<p>DOCKET NO. 951056-WS - Application for rate increase in Flagler County by Palm Coast Utility Corporation.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: DS CL Prehrg Officer DS</p> <p>Staff: LEG: Fudge, Gervasi WAW: Willis, Merchant</p> <p><u>Issue 1:</u> In light of the decision and mandate of the First District Court of Appeal, what action should the Commission take regarding the Court's reversal and remand of portions of Order No. PSC-96-1338-FOF-WS, issued November 7, 1996? <u>Recommendation:</u> The Commission should reopen the record for the very limited purpose of taking evidence on what methodology should be used in calculating the used and useful percentages for the water distribution and wastewater collection systems; whether to approve a fire flow allowance; and what flows should be used in the numerator of the used and useful equation. If the Commission does reopen the record to take evidence on these issues, staff believes that the additional issue of rate case expense for reopening the record can be considered at that time. The Commission should not reopen the record on the margin reserve period for the wastewater plant and instead should adopt a three-year margin reserve period which was supported by the testimony of staff witness Amaya. Furthermore, the Commission should, in accordance with the Court's mandate, correct the service availability charge used to impute CIAC on margin reserve.</p> <p><u>Issue 2:</u> Should this docket be closed? <u>Recommendation:</u> No. The docket should remain open pending final disposition of the remand.</p> <p><u>DECISION:</u> This item was deferred to a later Commission Conference.</p>

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