

MINUTES OF FEBRUARY 17, 2004

COMMISSION CONFERENCE

COMMENCED: 9:35 a.m.

ADJOURNED: 2:15 p.m.

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

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

1 Approval of Minutes

January 20, 2004 Regular Commission Conference

DECISION: The minutes were approved.

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

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ITEM NO. CASE

2**Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
031102-TX	Best Value Telecom, Inc.
040048-TX	Teledata Solutions, Inc. d/b/a TDSI, INC.
040043-TX	Local Telecom Systems, Inc.
031120-TX	Think 12 Corporation d/b/a Hello Depot
031124-TX	Broadband Communities of Florida, Inc.

PAA B) Application for certificate to provide pay telephone service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
040036-TC	Elbar Service, Inc.

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

DECISION: The recommendation was approved.

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

ITEM NO.

CASE

3**Docket No. 040011-EI - Proposed amendment of Rule 25-6.018, F.A.C., Records of Interruptions and Commission Notification of Threats to Bulk Power Supply Integrity or Major Interruptions of Service.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Deason

Staff: GCL: Stern

ECR: Draper, Hewitt

ISSUE 1: Should the Commission propose amendments to Rule 25-6.018, Florida Administrative Code, Records of Interruptions and Commission Notification of Threats to Bulk Power Supply Integrity or Major Interruptions of Service?

RECOMMENDATION: Yes. The Commission should propose the amendments as shown in the attachment to staff's February 5, 2004 recommendation.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

4Docket No. 030871-OT - Petition of Robert J. Crouch for review of reclassification of position from Career Service to Select Exempt Service.

Critical Date(s): By statute, a final order must be issued by March 17, 2004.

Commissioners Assigned: Full Commission

Prehearing Officer: Deason

Staff: GCL: Moore
CCA: Nichols

ISSUE 1: Should the Commission adopt the Administrative Law Judge's Recommended Order as its Final Order in this case?

RECOMMENDATION: Yes.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

5**Docket No. 020896-WS - Petition by customers of Aloha Utilities, Inc. for deletion of portion of territory in Seven Springs area in Pasco County.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Bradley

Staff: GCL: Gervasi
CAF: Lowery
ECR: Walden, Willis

ISSUE 1: Should the requests to remove this docket from abeyance be granted and a public hearing scheduled?

RECOMMENDATION: Yes. The requests to remove the docket from abeyance should be granted, and a customer service hearing on the audit report and the implications of its findings should be scheduled in Aloha's Seven Springs service area in the near future. Because the audit report and the implications of its findings may affect all customers in the Seven Springs service area, Aloha should be required to give written notice of the date, time, location, and purpose of the customer service hearing to each of its customers in the Seven Springs service area no less than fourteen days prior to the service hearing. The utility should be required to utilize first class mail for notices sent to customers with out of town mailing addresses. The notice should include a statement that any comments regarding the results of the audit report should be addressed to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and that such comments should identify the docket number assigned to this proceeding. A ruling on the two customer petitions and all other pending motions should be deferred until the audit report has been fully analyzed. Staff should be directed to fully analyze the findings of the audit report and the information gathered at the customer service hearing, and to thereafter file a recommendation concerning the disposition of the petitions and pending motions.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open until the two customer petitions and all pending motions are resolved.

DECISION: The recommendations were approved with a date certain for a customer service hearing in Aloha's Seven Springs service area to be set by the Chairman.

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

ITEM NO.

CASE

6**Docket No. 000121A-TP - Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (BELLSOUTH TRACK)

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Deason

Staff: GCL: Dodson, B. Keating

CMP: Harvey, Hallenstein

ISSUE 1: Should the CLEC Coalition's Motion to Strike BellSouth's Amended Motion to Modify SEEM Plan be granted?

RECOMMENDATION: No. The CLEC Coalition's Motion to Strike BellSouth's Motion to Modify SEEM Plan should be denied.

PAA

ISSUE 2: Should BellSouth's Amended Motion to Modify SEEM Plan to remove penalties relating to line sharing and Request to Offset or Escrow Penalty Payments be granted?

RECOMMENDATION: No. BellSouth's Motion to Modify SEEM Plan to remove penalties relating to line sharing and Request to Offset or Escrow Penalty Payments should be denied.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation in Issue 2, the resulting Order will be issued as Proposed Agency Action. The Order will become final upon issuance of a Consummating Order if no person whose substantial interests are affected timely files a protest within 21 days of the issuance of the Order. This Docket should remain open thereafter to continue the six-month review process outlined in the Final Order.

DECISION: This item was deferred.

ITEM NO.

CASE

7**Docket No. 040078-WS - Disposition of delinquent regulatory assessment fees and penalties for General Development Utilities, Inc., a company no longer subject to Florida Public Service Commission jurisdiction.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: GCL: Rodan
ECR: Kaproth

ISSUE 1: Should GDU be ordered to show cause, in writing, within 21 days, why it should not remit RAFs, statutory penalties, and interest in their respective amounts for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to timely pay regulatory assessment fees for January 1, 1996 through February 28, 1996?

RECOMMENDATION: No. Show cause proceedings should not be initiated under these circumstances. Staff further recommends that the Commission refer the utility's unpaid RAFs and associated penalties and interest to the Department of Financial Services for permission to write off the accounts as uncollectible, in the amounts identified in the analysis portion of staff's February 5, 2004 memorandum.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

8**Docket No. 040017-GU - Petition for modification of transportation cost recovery factors by Florida Public Utilities Company.

Critical Date(s): 3/7/04 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Makin, Bulecza-Banks
GCL: Fleming

ISSUE 1: Should the Commission grant FPUC's petition for modification of its NTAC cost recovery factors?

RECOMMENDATION: Yes. The Commission should grant FPUC's petition for modification of its NTAC cost recovery factors effective March 1, 2004.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If a protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, the tariff should remain in effect with any charges held subject to refund pending resolution of the protest. If no protest is filed, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

9**Docket No. 031123-GU - Petition for authority to convert and transfer all remaining sales customers to transportation service, to terminate merchant function, and for approval of certain tariff changes on experimental basis, by Sebring Gas System, Inc.

Critical Date(s): 2/22/04 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Makin, Bulecza-Banks
GCL: Brubaker

ISSUE 1: Should the Commission approve Sebring Gas Company's petition for authority to convert all remaining sales customers to transportation service and to exit the merchant function?

RECOMMENDATION: Yes. The Commission should approve Sebring's petition for authority to convert all remaining sales customers to transportation service and to exit the merchant function on an experimental basis, effective February 17, 2004, the date of the Commission's vote on this matter.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If a protest is filed within 21 days of the Commission Order approving this tariff by a person whose substantial interests are affected, the tariff should remain in effect pending resolution of the protest, with any charges held subject to refund pending resolution of the protest. If no protest is filed, this docket should be closed upon the issuance of a Consummating Order.

DECISION: This item was deferred.

ITEM NO.

CASE

10**PAADocket No. 031105-TX - Compliance investigation of Talk Unlimited Now, Inc. for apparent violation of Rules 25-22.032(5)(a), F.A.C., Customer Complaints, and 25-24.835, F.A.C., Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Administrative

Staff: CMP: M. Watts

CAF: Lowery

GCL: Rojas

ISSUE 1: Should the Commission impose a penalty on Talk Unlimited Now, Inc. of \$10,000 per apparent violation, for a total of \$50,000, for the five apparent violations of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Talk Unlimited Now, Inc. fails to timely protest the Commission's Order and fails to pay the \$50,000 penalty within fourteen calendar days after the issuance of the Consummating Order, Certificate No. 8126 should be canceled and the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

ISSUE 2: Should the Commission impose a \$500 penalty on Talk Unlimited Now, Inc. for apparent violation of Rules 25-24.835 and 25-24.480, Florida Administrative Code, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Talk Unlimited Now, Inc. fails to timely protest the Commission's Order and fails to pay the \$500 penalty within fourteen calendar days after the issuance of the Consummating Order, Certificate No. 8126 should be canceled and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

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ITEM NO.

CASE

10**PAA

Docket No. 031105-TX - Compliance investigation of Talk Unlimited Now, Inc. for apparent violation of Rules 25-22.032(5)(a), F.A.C., Customer Complaints, and 25-24.835, F.A.C., Rules Incorporated.

(Continued from previous page)

ISSUE 3: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested, this docket should be closed upon receipt of the payment of the penalties or the cancellation of the company's certificate.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

11**PAADocket No. 040016-TI - Compliance investigation of ESS.COM, L.L.C. for apparent violation of Section 364.02, F.S., Definitions.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Curry
GCL: McKay, Rojas

ISSUE 1: Should the Commission impose a penalty upon ESS.COM of \$10,000 per apparent violation, for a total of \$20,000, for the two apparent violations of Section 364.02, Florida Statutes, Definitions, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. The Commission should impose a penalty upon ESS.COM of \$10,000 per apparent violation, for a total of \$20,000, for the two apparent violations of Section 364.02, Florida Statutes, Definitions. If ESS.COM fails to timely protest the Commission's Order, and fails to pay the \$20,000 penalty within fourteen calendar days after the issuance of the Consummating Order, the company's tariff should be cancelled and Registration No. TJ410 should be removed from the register. The company should also be required to immediately cease and desist providing intrastate interexchange telecommunications service in Florida upon issuance of the Consummating Order.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested, this docket should be closed upon receipt of the payment of the penalty or the cancellation of the company's tariff and the removal of Registration No. TJ410 from the register.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

12**PAADocket No. 030964-TI - Compliance investigation of Tel-Tec, Inc. for apparent violation of Section 364.02, Florida Statutes, Definitions, and Section 364.04, Florida Statutes, Schedules of Rates, Tolls, Rentals, Contracts, and Charges; Filing; Public Inspection.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Administrative

Staff: CMP: Buys
GCL: Susac

ISSUE 1: Should the Commission accept Tel-Tec's settlement offer to discontinue providing intrastate interexchange telecommunications service in Florida to resolve its apparent violation of Sections 364.02 and 364.04, Florida Statutes?

RECOMMENDATION: Yes. The Commission should accept Tel-Tec's settlement offer to discontinue providing intrastate interexchange telecommunications service in Florida, effective February 27, 2004, and immediately notify all customers that they must find another service provider. The company should also be required to provide staff with a report by March 31, 2004, confirming that it is no longer providing service in Florida.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested, this docket should be closed administratively upon receipt of the company's report and verification by staff that the company has discontinued providing intrastate interexchange telecommunications service in Florida.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

13**PAADocket No. 030821-TI - Cancellation of tariff and removal from register by Florida Public Service Commission of IXC Registration No. TJ658 issued to Communitel International, LLC for violation of Section 364.336, Florida Statutes.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
GCL: McKay

ISSUE 1: Should the Commission grant Communitel International, LLC a voluntary removal from the register of IXC Registration No. TJ658 and cancel its tariff?

RECOMMENDATION: The Commission should grant Communitel International, LLC a voluntary removal from the register of IXC Registration No. TJ658 and cancel its tariff with an effective date of September 30, 2003. If the tariff is cancelled and the company's name removed from the register in accordance with the Commission's Order from staff's February 5, 2004 recommendation, the company should be required to immediately cease and desist providing intrastate interexchange service in Florida.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

14**Docket No. 030760-TI - Cancellation of tariff and removal from register by Florida Public Service Commission of IXC Registration No. TJ008 issued to Executive Business Centers, Inc. for violation of Section 364.336, Florida Statutes.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
GCL: Rojas

ISSUE 1: Should the Commission accept the settlement offer proposed by Executive Business Centers, Inc. to resolve the apparent violation of Section 364.336, Florida Statutes?

RECOMMENDATION: The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within fourteen (14) calendar days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Florida Department of Financial Services 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 tariff should be cancelled and its name removed from the register administratively. In addition, the company should be required to immediately cease and desist providing intrastate interexchange service in Florida. If the company's tariff is cancelled and its name removed from the register, and subsequently decides to reapply for registration as an intrastate interexchange telecommunications company, the company should be required to first pay any outstanding RAF, including statutory late payment charges, and the contribution.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$500 contribution or cancellation of the tariff and removal from the register.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

15**Docket No. 031012-TS - Cancellation by Florida Public Service Commission of STS Certificate No. 5248 issued to Executive Business Centers, Inc. for violation of Rule 25-24.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
GCL: McKay

ISSUE 1: Should the Commission accept the settlement offer proposed by Executive Business Centers, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?
RECOMMENDATION: The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within fourteen (14) calendar days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Florida Department of Financial Services 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. 5248 should be cancelled administratively. If Executive Business Centers, Inc.'s certificate is cancelled in accordance with the Commission's Order from staff's February 5, 2004 recommendation, the company should be required to immediately cease and desist providing shared tenant service in Florida.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

16 Docket No. 031033-EI - Review of Tampa Electric Company's 2004-2008 waterborne transportation contract with TECO Transport and associated benchmark.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Baez

Staff: ECR: Bohrmann, Floyd, Matlock, Maurey, McNulty, Windham
GCL: C. Keating, Rodan

ISSUE 1: Should the Commission grant the residential customers' request for oral argument on their motion for reconsideration of Order No. PSC-04-0048-PCO-EI?

RECOMMENDATION: No. Oral argument on the motion for reconsideration will not aid the Commission in its understanding and disposition of the motion. Therefore, the Commission should deny the request for oral argument.

ISSUE 2: Should the Commission grant the residential customers' motion for reconsideration of Order No. PSC-04-0048-PCO-EI?

RECOMMENDATION: No. The motion for reconsideration fails to identify any point of fact or law that the Prehearing Officer overlooked or failed to consider. Therefore, the Commission should deny the motion for reconsideration.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open to allow the Commission to continue processing this case.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

17**Docket No. 031093-EQ - Petition for approval of revised standard offer contract and revised COG-2 rate schedule by Florida Power & Light Company.

Critical Date(s): 8/5/04 (8-month effective date)

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: ECR: Haff, Baxter, Maurey, Sickel
GCL: Vining

ISSUE 1: Should FPL's petition for approval of a new Standard Offer Contract, based upon a combined cycle unit with an in-service date of June 1, 2007, be approved?

RECOMMENDATION: No. The Standard Offer Contract includes a claim to the rights to any environmental benefits associated with the QF. Staff believes this term is unreasonable. Therefore, the Standard Offer Contract and associated tariffs should not be approved as filed.

DECISION: The recommendation was approved with the understanding that FPL will refile its standard offer contract with the TREC language removed, and Staff will be given authority to administratively approve the revised filing.

ISSUE 2: On what date should FPL's proposed Standard Offer Contract become effective?

RECOMMENDATION: If the Commission denies the staff recommendation on Issue 1, FPL's proposed Standard Offer Contract should become effective ten days after the issuance of a consummating order if there is no timely protest filed. FPL's two-week open solicitation period should begin ten days after the date of issuance of the consummating order.

DECISION: The recommendation was approved consistent with the decision in Issue 1.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendation was approved consistent with the decision in Issue 1.

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

ITEM NO.

CASE

18**Docket No. 020567-WS - Investigation of possible overearnings by Lake Groves Utilities, Inc. in Lake County.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Baez

Staff: ECR: Greene, Floyd, Joyce, Merchant, Walden
AUS: Vandiver
GCL: Jaeger

ISSUE 1: In determining whether the Lake Groves water system exceeded a fair return on its investment, should the Commission update the test year and consider the total earnings of the newly merged entity of LUSI?

RECOMMENDATION: Yes. The test year ended December 31, 2002, is appropriate given the material additions to water plant and to reflect the merger of Lake Groves into LUSI in 2002. Staff's investigation of the calendar year 2002 indicates that the water system for the combined entity is earning a return within the overall range of the required rate of return, using the current leverage formula. Accordingly, staff recommends that the investigation should be closed and the corporate undertaking guaranteeing the revenue held subject to refund should be released.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, there are no further actions to be taken, and this docket should be closed.

DECISION: This item was deferred.

ITEM NO.

CASE

19**PAA Docket No. 031006-WS - Petition by Utilities, Inc. for approval of allowance for funds used during construction (AFUDC) rate for its Florida subsidiaries including Water Service Corp.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Davidson

Staff: ECR: Joyce, Kyle, Merchant

GCL: Jaeger

ISSUE 1: What is the appropriate AFUDC rate for UI's Florida subsidiaries and WSC?
RECOMMENDATION: An annual AFUDC rate of 9.03% should be approved for UI's Commission-regulated Florida subsidiaries. The discounted monthly rate should be 0.751966%. The approved rate should be applicable for eligible construction projects beginning January 1, 2003. No AFUDC rate should be established for WSC, because it is not a regulated utility subject to the Commission's jurisdiction.

DECISION: The recommendation was approved with language, as discussed at the conference, to be added to the order.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no timely protest from a substantially affected person on the Commission-approved AFUDC rate is received upon the expiration of the protest period, the PAA Order on the AFUDC rate will become final upon the issuance of a Consummating Order, and the docket should be closed.

DECISION: The recommendation was approved.

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

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20 Docket No. 030349-TP - Complaint by Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. regarding BellSouth's alleged use of carrier-to-carrier information.

Critical Date(s): None

Commissioners Assigned: Deason, Bradley, Davidson

Prehearing Officer: Deason

Staff: CMP: Bulecza-Banks, Broussard, Casey, Gilchrist, Hallenstein

GCL: Dodson, Susac

ISSUE 1: Should the Motion for Reconsideration filed by Supra be granted?

RECOMMENDATION: No. Supra has not identified a point of fact or law which was overlooked or which the Commission failed to consider in rendering its decision.

Therefore, Supra's Motion for Reconsideration should be denied.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If staff's recommendation in Issue 1 is approved, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Bradley, Davidson

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ITEM NO.

CASE

21 Docket No. 020745-SU - Application for certificate to provide wastewater service in Charlotte County by Island Environmental Utility, Inc.

Critical Date(s): None

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

Staff: GCL: Gervasi
ECR: Brady, Redemann

ISSUE 1: Should IEU's Motion for Reconsideration of Order No. PSC-03-1415-PCO-SU be granted?

RECOMMENDATION: No. IEU's Motion for Reconsideration should be denied. IEU should be ordered to fully respond to the discovery requests at issue within 30 days from the Commission's vote on this item.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open to conduct a hearing on IEU's application for original certificate.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Bradley, Davidson