

**MINUTES OF  
COMMISSION CONFERENCE, TUESDAY, FEBRUARY 29, 2000  
COMMENCED: 10:00 a.m.  
ADJOURNED: 5:30 p.m.**

**COMMISSIONERS PRESENT:** Chairman Garcia  
Commissioner Deason  
Commissioner Clark  
Commissioner Jacobs  
Commissioner Jaber

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- 1                   Approval of Minutes  
                  January 11, 2000 Special Commission Conference and  
                  January 18, 2000 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. 000125-TC -Orlando Lamas  
                  DOCKET NO. 000126-TC -Manoogian & Manoogian, Inc.  
                  d/b/a Baseline Mobile  
                  DOCKET NO. 000127-TC -Dudley James Sadhi  
                  DOCKET NO. 000128-TC -Kwik-Mart, Inc.  
                  DOCKET NO. 000129-TC -Nations Communication, Inc.  
                  DOCKET NO. 000150-TC -SoTel Communications Inc.  
                  DOCKET NO. 000151-TC -Dallas & Charlene Merritt d/b/a  
  A & O Communications
- B)   Applications for certificates to  
  provide alternative local  
  exchange telecommunications  
  service.
- DOCKET NO. 991992-TX -PNG Telecommunications, Inc.  
                  d/b/a PowerNet Global Communications  
                  DOCKET NO. 991888-TX -Consumer Credit Assistance, Inc.  
                  DOCKET NO. 992035-TX -Net One International, Inc.  
                  DOCKET NO. 000055-TX -Southern Telecom, Inc. d/b/a  
                  Southern Telecom of America, Inc.  
                  DOCKET NO. 000082-TX -Beauty Town, Inc. d/b/a Anns  
                  Communications

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DOCKET NO. 000083-TX -Bizy Phones, Inc.

DOCKET NO. 000078-TX -USA Digital, Inc.

C) Applications for certificates to  
provide interexchange  
telecommunications service.

DOCKET NO. 991102-TI -Concert Communications Sales LLC

DOCKET NO. 991932-TI -W2COM International, LLC

DOCKET NO. 991945-TI -TRC Telecom, Inc.

DOCKET NO. 991983-TI -Adelphia Business Solutions of  
Jacksonville, Inc.

DOCKET NO. 992016-TI -BroadSpan Communications, Inc.  
d/b/a Primary Network Communications, Inc.

DOCKET NO. 000054-TI -Southern Telecom, Inc. d/b/a  
Southern Telecom of America, Inc.

DOCKET NO. 991801-TI -NetLojix Telecom, Inc.

DOCKET NO. 991841-TI -The Basico Group, Inc.

DOCKET NO. 991810-TI -American Fiber Network, Inc.

D) Requests for cancellation of pay  
telephone certificates.

DOCKET NO. 000130-TC -Tel-Pro Enterprises

DOCKET NO. 000140-TC -Page Patricia Allison

DOCKET NO. 000141-TC -Robert E. & Janis E. Wienert

DOCKET NO. 000159-TC -Leonard R. Rizzi d/b/a L & R  
Vendors

DOCKET NO. 000111-TC - Upper Room Assembly, Inc.

DOCKET NO. 000113-TC -Michael G. Kofod d/b/a MaresTel

DOCKET NO. 000118-TC -Elite Payphones, Inc.

DOCKET NO. 000155-TC -Communications Management  
Services, Inc.

E) DOCKET NO. 000157-TC - Request  
for cancellation of Pay  
Telephone Certificate No. 7022  
by Donnini Enterprises, Inc.,  
and application for certificate

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to provide pay telephone service  
by Donatella Communications LLC.

F) DOCKET NO. 000112-TI - Request  
for cancellation of  
Interexchange Telecommunications  
Certificate No. 4382 by Scherers  
Communications Group, Inc.,  
effective January 1, 2000.

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

DOCKET NO. 991933-TP -Bellsouth Telecommunications,  
Inc. with CPU Solutions Holding Corp.

(Critical Date: 3/15/00)

DOCKET NO. 991934-TP -BellSouth Telecommunications,  
Inc. with Southeastern Services, Inc.

(Critical Date: 3/15/00)

DOCKET NO. 000011-TP -BellSouth Telecommunications,  
Inc. with Eagle Communications, Inc. d/b/a Eagle  
Telco, Inc.

(Critical Date: 4/2/00)

DOCKET NO. 000023-TP -BellSouth Telecommunications,  
Inc. with Orlando Digital Telephone Corporation

(Critical Date: 4/6/00)

DOCKET NO. 000024-TP -BellSouth Telecommunications,  
Inc. with SBC National, Inc.

(Critical Date: 4/7/00)

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

DOCKET NO. 991939-TP -BellSouth Telecommunications,  
Inc. with The Basico Group, Inc.

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(Critical Date: 3/15/00)

DOCKET NO. 991942-TP -BellSouth Telecommunications,  
Inc. with OpTel (Florida) Telecom, Inc. d/b/a OpTel

(Critical Date: 3/15/00)

DOCKET NO. 991953-TP -BellSouth Telecommunications,  
Inc. with Alliance Network, Inc.

(Critical Date: 3/19/00)

DOCKET NO. 991958-TP -BellSouth Telecommunications,  
Inc. with Columbia Telecommunications, Inc.

(Critical Date: 3/19/00)

DOCKET NO. 991982-TP -BellSouth Telecommunications,  
Inc. with The Other Phone Company, Inc. d/b/a Access  
One Communications

(Critical Date: 3/20/00)

I) Requests for approval of resale  
agreements.

DOCKET NO. 991948-TP -BellSouth Telecommunications,  
Inc. with Met Communications, Inc.

(Critical Date: 3/15/00)

DOCKET NO. 991949-TP -BellSouth Telecommunications,  
Inc. with TeleConex, Inc. d/b/a TeleConex

(Critical Date: 3/15/00)

DOCKET NO. 000032-TP -ALLTEL Florida, Inc. with HTR &  
L Enterprises, Inc. d/b/a Hart Communications

(Critical Date: 4/9/00)

J) Requests for approval of  
amendments to resale agreements.

DOCKET NO. 991940-TP -BellSouth Telecommunications,  
Inc. with EZ Talk Communications, L.L.C.

(Critical Date: 3/15/00)

DOCKET NO. 991954-TP -BellSouth Telecommunications,  
Inc. with Vast-Tel Communications, Inc.

(Critical Date: 3/19/00)

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DOCKET NO. 991955-TP -BellSouth Telecommunications,  
Inc. with Tennessee Waste Movers d/b/a East Tennessee  
Phone Service

(Critical Date: 3/19/00)

K) Request for approval of  
amendments to interconnection  
agreements.

DOCKET NO. 991919-TP -BellSouth Telecommunications,  
Inc. with Northpoint Communications, Inc.

(Critical Date: 3/13/00)

DOCKET NO. 991938-TP -BellSouth Telecommunications,  
Inc. with Computer Business Sciences, Inc.

(Critical Date: 3/15/00)

DOCKET NO. 991941-TP -BellSouth Telecommunications,  
Inc. with DIECA Communications Inc. d/b/a Covad  
Communications Company

(Critical Date: 3/15/00)

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

DOCKET NO. 991956-TP -BellSouth Telecommunications,  
Inc. with Business Telecom, Inc. d/b/a BTI

(Critical Date: 3/19/00)

DOCKET NO. 991957-TP -BellSouth Telecommunications,  
Inc. with MGC Communications, Inc.

(Critical Date: 3/19/00)

DOCKET NO. 991959-TP -BellSouth Telecommunications,  
Inc. with Adelphia Business Solutions of Florida, LLC

(Critical Date: 3/19/00)

DOCKET NO. 991960-TP -BellSouth Telecommunications,  
Inc. with Adelphia Business Solutions of Jacksonville,  
Inc.

(Critical Date: 3/19/00)

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M)	DOCKET NO. 991995-TP - Request by Nextel South Corp. for approval of interconnection agreement with ALLTEL Florida, Inc. (Critical Date: 3/21/00)
N)	DOCKET NO. 000029-TI - Application for approval of change in name and assignment of existing Certificate No. 3484 from Telecommunications Service Center, Inc. to CyberSentry, Inc.
O)	DOCKET NO. 000062-TP - Request for approval of merger of J D Services, Inc. d/b/a American Freedom Network (holder of IXC Certificate No. 4384) into J D Services, Inc., a Nevada corporation.

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- P) DOCKET NO. 000047-TP - Joint application of PaeTec Communications, Inc. (holder of IXC Certificate No. 5757 and ALEC Certificate No. 5756), Campuslink Communications Systems, Inc. d/b/a Parklink Communications, Inc. (holder of IXC Certificate No. 5750), and CAMPUSLINK Communications Systems, Inc. d/b/a PARKLINK Communications, Inc. (holder of ALEC Certificate No. 5749) for approval of intra-corporate merger whereby Campuslink will merge into PaeTec with PaeTec the surviving entity; and request for cancellation of Certificates Nos. 5749 and 5750.
- Q) DOCKET NO. 000081-TI - Request by International Exchange Communications, Inc. d/b/a IE COM (holder of IXC Certificate No. 5798) and NOSVA Limited Partnership (holder of IXC Certificate No. 3560) for approval of an asset purchase agreement whereby IE COM will purchase and NOSVA will sell the international operating division of NOSVA, including all customers thereof.
- R) DOCKET NO. 000110-TP - Request for approval of transfer of control whereby Z-Tel Technologies, Inc., newly formed subsidiary of Z-Tel

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Communications, Inc. (holder of IXC Certificate No. 5695 and ALEC Certificate No. 5701) will acquire Touch 1 Communications, Inc. (holder of IXC Certificate No. 3957) through a triangular merger.

S) DOCKET NO. 992019-TP - Request for approval of interim traffic termination and billing agreement between Vista-United Telecommunications and PaeTec Communications, Inc. (Critical Date: 3/26/00)

T) DOCKET NO. 000089-EI - Application by Gulf Power Company for authority to receive common equity contributions and to issue and sell securities during the twelve months ending March 31, 2001. The Company seeks approval pursuant to Chapter 25-8, F.A.C., and Section 366.04, F.S., for authority to receive common equity contributions from Southern Company, Gulf's parent. In addition, Gulf Power seeks approval to issue and sell short-term debt, as well as long-term debt and equity securities. The company also proposes to issue short-term notes to be sold in the commercial paper market. The maximum amount of common equity contributions received from



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Southern Company, the maximum amount of equity securities issued and the maximum principal amount of longer-term debt securities issued will not exceed \$300 million. The maximum principal amount of short-term debt at any one time will total not more than \$190 million.

Recommendation: The Commission should approve the action requested in the dockets referenced above and close these dockets, with the exception of Docket No. 000089-EI, which must remain open until July 15, 2001, to allow the company to file the required Consummation Report.

DECISION: The recommendation was approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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2A DOCKET NO. 990994-TP - Proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: Full Commission  
Prehrg Officer DS

Staff: LEG: Caldwell  
AFA: Hewitt, Causseaux, Romig, Wright  
CAF: Durbin  
CMU: Moses, Simmons, Kennedy

Issue 1: Should the Commission propose amendments to Rules 25-4.003, Florida Administrative Code, Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated?  
Recommendation: Yes. The Commission should propose amendments to Rules 25-4.003, Florida Administrative Code, Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

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2A	DOCKET NO. 990994-TP - Proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunication Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-4.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

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Issue 2: Should this docket be closed?

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

DECISION: The recommendation was approved with modifications that Subsections (18 and (19) were amended to include "affiliates"; (19) was amended to exclude small LECs; (18) and (19) were amended to exclude customer-dialed charges from automatic removal from bills. A separate proceeding will be held on subsections (2) and (19) for ALECS and IXCs.

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

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

Ms. Marsha Rule, representing AT&T Communications of the Southern States, addressed the Commission.

Mr. Tom McCabe, representing TDS Telecom, addressed the Commission.

Ms. Kim Caswell, representing GTE Florida Incorporated, addressed the Commission.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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

Critical Date(s): None (30-day statutory deadline waived)

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: APP: Moore  
EAG: Mills

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

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

Issue 2: Should this docket be closed?

Recommendation: Yes.

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

Mr. John K. Folsom, representing Friends of the Aquifer, Inc., addressed the Commission.

Mr. Rick Melson, representing Buccaneer Gas Pipeline Co., L.L.C., addressed the Commission.

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4	<p>DOCKET NO. 990913-EI - Complaint by Regina Walsh against Florida Power Corporation regarding backbilling.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: LEG: Crossman CAF: C. Peña EAG: Ging</p> <p><u>Issue 1</u>: Should the Commission find that meter tampering occurred at 11611 Scallop Drive, Port Richey, Florida 34668? <u>Recommendation</u>: Yes. FPC's report provides prima facie evidence of meter tampering at 11611 Scallop Drive, Port Richey, Florida 34668.</p> <p><u>Issue 2</u>: Should the Commission find that Ms. Walsh is responsible for the backbilling totaling \$2,255.06? <u>Recommendation</u>: Yes. Ms. Walsh was the last customer of record and present at the residence when the rigged meter was discovered. She is the owner of the property, claimed a homestead exemption for this residence, and maintained water service in her name during the entire period in question. Therefore, she is responsible for the backbilling.</p> <p><u>Issue 3</u>: Is the backbilling amount reasonable? <u>Recommendation</u>: Yes. The backbilling amount of \$2,255.06, which includes \$64.13 investigative costs, was calculated by using the average daily usage method.</p> <p><u>Issue 4</u>: Should this docket be closed? <u>Recommendation</u>: Yes.</p>

DECISION: This item was deferred to the March 28, 2000 Commission Conference.

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5 DOCKET NO. 991680-EI - Complaint by The Colony Beach & Tennis Club, Inc. against Florida Power & Light Company regarding rates charged for service between January 1988 and July 1998, and request for refund.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: LEG: Jaye  
EAG: E. Draper

Issue 1: Should Florida Power & Light Company's Motion to Transfer Complaint Filed by Colony Beach & Tennis Club, Inc. to the Division of Administrative Hearings be granted?

Recommendation: No. Colony's petition involves the interpretation and application of Commission rules rather than merely a factual dispute.

Issue 2: Should the civil statute of limitations operate as an absolute bar to Colony's petition?

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

Issue 3: Should this docket be closed?

Recommendation: No. If the Commission approves staff on Issues 1 and 2, this docket should remain open until the Commission concludes a full evidentiary hearing on the matter.

DECISION: The recommendations for Issues Nos. 1 and 2 were denied. The case is to be referred to DOAH for hearing. The recommendation for Issue No. 3 was modified for the docket to remain open until the conclusion of the DOAH hearing.

Mr. Ken Hoffman, representing Florida Power & Light Company, addressed the Commission.

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Mr. Marc Mazo, representing The Colony Beach & Tennis Club, Inc., addressed the Commission.

6 Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber  
DOCKET NO. 000013-EI - Petition by Tampa Electric Company for approval of pilot program to implement seasonal fuel factors.

Critical Date(s): 3/4/00 (60-day suspension date)

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: EAG: Draper, Ging  
LEG: C. Keating, Crossman

Issue 1: Should the Commission suspend Tampa Electric Company's (TECO) proposed pilot program tariff to implement seasonal fuel factors?

Recommendation: Yes. The Commission should suspend TECO's proposed pilot program tariff to implement seasonal fuel factors.

Issue 2: Should this docket be closed?

Recommendation: No. The docket should remain open pending a final decision on the tariff.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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7 DOCKET NO. 990324-EI - Disposition of Florida Power & Light Company's accumulated amortization pursuant to Order PSC-96-0461-FOF-EI.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer DS

Staff: AFA: Lee, Mailhot  
EAG: Kummer  
LEG: Elias

Issue 1: What is the appropriate disposition of the accumulated balance of nuclear amortization?

Recommendation: Staff recommends that the \$98,666,667 million jurisdictional (\$99,404,247 total company) of nuclear amortization accumulated from January 1, 1996 through April 13, 1999, the day prior to the Implementation Date of the Stipulation, be transferred to FPL's nuclear decommissioning reserve. These decommissioning expenses should be funded on an after tax basis and all associated debit deferred taxes should be excluded for surveillance purposes. Further, FPL should be required to submit its proposed journal entries to accomplish the transfer with the surveillance report for December 31, 1999.

Issue 2: Should this docket be closed?

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

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



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8 DOCKET NO. 990529-EI - Petition for 1999 depreciation study by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer JC

Staff: AFA: Lee, Snyder, Swain, Dickens, Draper, Iyamu,  
Lester, Slemkewicz  
EAG: Breman  
LEG: Elias

**(PROPOSED AGENCY ACTION EXCEPT FOR PRELIMINARY IMPLEMENTATION OF GANNON REPOWERING.)**

Issue 1: Should the depreciation rates approved for preliminary implementation be revised?

Recommendation: Yes. By Order No. PSC-99-1398-PCO-EI, preliminary implementation of depreciation rates, general plant amortizations, recovery schedules, and fossil dismantlement accrual were ordered. Preliminarily implemented expenses were to be trued up upon final action by this Commission. Staff has completed its review of the company's study and this is its recommendation for final action.

Issue 2: What should be the implementation date for the recommended rates and recovery/amortization schedules?

Recommendation: Staff recommends a January 1, 1999, date of implementation for depreciation rates, amortizations, recovery schedules, and fossil dismantlement accruals.

To recognize the impact of the CFJ on the Gannon Station assets, a January 1, 2000, date of implementation is recommended for the preliminary implementation of the associated recovery schedule addressing the now planned retiring assets and additional revised depreciation rates for those assets remaining in service with the repowering.

Issue 3: Should any corrective reserve allocations be made?

Recommendation: Yes, staff recommends the corrective reserve allocations shown on Attachment A, pages 27 - 29, of its February 17, 2000 memorandum.

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8 DOCKET NO. 990529-EI - Petition for 1999 depreciation study by Tampa Electric Company.

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Issue 4: Should any recovery schedules be approved?

Recommendation: Yes, staff recommends that recovery schedules shown on Attachment D, page 44, and Attachment E, page 48 of its memorandum, addressing the unrecovered investments associated with TECO's planned retirement of its Energy Management System, coal classifiers, and the planned retirements associated with the coal related assets at the Gannon Station be approved.

Issue 5: What is the appropriate annual provision for dismantlement?

Recommendation: Staff recommends a 1999 provision for dismantlement of \$7,153,489 as shown on Attachment B, page 30 of its memorandum. This represents a \$378,014 decrease in the preliminary approved accrual of \$7,531,503 and approximately a \$3 million total decrease in the dismantlement provision approved in 1995.

Additionally, staff recommends, beginning January 1, 2000, an annual dismantlement provision for the Gannon Station of \$711,297 to reflect the plan for repowering as discussed in Issue 5. Further, staff recommends an annual dismantlement provision of \$235,177 for the Big Bend Unit 1 & 2 Scrubber with an in-service date of January 1, 2000. The effect of repowering the Gannon Station and the addition of the Big Bend Unit 1 & 2 Scrubber will result in a 2000 provision for dismantlement of \$5,660,618. This represents an additional decrease of about \$1.5 million over the 1999 dismantlement accruals.

For other plant under construction, staff recommends an annual provision for dismantlement of \$109,196 for Polk Unit No. 2 and for any other new combined cycle units planned for service during the 1999-2002 period to begin when each unit goes into service.

Issue 6: What are the appropriate depreciation rates and amortization schedules?

Recommendation: The recommended lives, net salvages, reserves, and resultant depreciation rates are shown on Attachment C, pages 31-36 of staff's memorandum.

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8 DOCKET NO. 990529-EI - Petition for 1999 depreciation study by Tampa Electric Company.

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Attachment D, pages 37-44, shows the estimated resultant annual expenses of about \$136.1 million, based on actual January 1, 1999 investments and reserves. This represents a decrease of about \$720,000 compared to the effect from rates preliminarily ordered. Expenses should be trued up accordingly. For information, the preliminary implementation resulted in an annual decrease in expense of about \$857,000.

The recommended lives, net salvages, reserves, and resulting rates for the investments remaining in service at the repowered Gannon Station and also for the new Big Bend Unit 1 & 2 Scrubber are shown on Attachment E, pages 45-48 of staff's memorandum. The estimated resultant annual expenses shown on pages 47-48 are based on estimated January 1, 2000 investments and reserves and reflect a net annual increase in expenses of about \$6.4 million over 1999 depreciation expenses.

Issue 7: Should the current amortization of investment tax credits (ITCs) and the flowback of excess deferred income taxes be revised to reflect the approved depreciation rates and recovery schedules?

Recommendation: Yes. The current amortization of ITCs and the flowback of excess deferred income taxes (EDIT) should be revised to match the actual recovery periods for the related property. The utility should file detailed calculations of the revised ITC amortization and flowback of EDIT at the same time it files its surveillance report covering the period ending December 31, 2000.

Issue 8: Should this docket be closed?

Recommendation: No. If staff's recommendation is approved, this docket should remain open, pending the determination of prudence of TECO's planned implementation of the CFJ in Docket No. 992014-EI. The depreciation rates, recovery/amortization schedules, and fossil dismantlement accruals for all other accounts and plant sites should become final upon issuance of a consummating order if no person whose interests are

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substantially affected by the proposed action files a protest within the 21-day protest period.

DECISION: The recommendations were approved.

9 Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber  
DOCKET NO. 000206-EI - Request to modify definition of residential rate schedule by Gulf Power Company.

Critical Date(s): 3/20/00 (60-day suspension date)

Commissioners Assigned: Full Commission  
Prehrg Officer - Pending

Staff: EAG: Ging  
LEG: Elias

Issue 1: Should the Commission suspend Gulf Power Company's (GPC) petition to modify the definition of residential service rate by GPC?

Recommendation: Yes. The Commission should suspend GPC's petition to modify the definition of residential service rate by GPC.

Issue 2: Should this docket be closed?

Recommendation: No. The docket should remain open pending a final decision on the tariff.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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9A DOCKET NO. 991462-EU - Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer JC

Staff: EAG: Haff, Breman, Goad, Makin  
AFA: Lester  
LEG: C. Keating

**(INTERESTED PERSONS MAY PARTICIPATE AT THE DISCRETION OF THE COMMISSION.)**

Issue 1: Should the Commission grant Florida Power & Light Company's Motion for Reconsideration of Portions of Order No. PSC-00-0291-PCO-EU?

Recommendation: No. Florida Power & Light Company's Motion for Reconsideration of Portions of Order No. PSC-00-0291-PCO-EU should be denied because it fails to satisfy the standard of review for a motion for reconsideration. The motion fails to identify any point of fact or law overlooked or not considered by the Prehearing Officer.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending resolution of Okeechobee Generating Company, L.L.C.'s petition for determination of need for an electrical power plant.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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<u>ITEM NO.</u>	<u>CASE</u>
10	<p>DOCKET NO. 000102-TL - Complaint of ABA Professional Association, Inc. against BellSouth Telecommunications, Inc., regarding billing for ISDN service.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: Marsh CAF: DeMello, Stokes LEG: Fordham</p> <p><u>Issue 1</u>: Should ABA's request for an informal conference be granted? <u>Recommendation</u>: No. Pursuant to Section 25-22.032, Florida Administrative Code, ABA's request should be denied, and the complaint dismissed. ABA has already received a full refund for all amounts billed by BellSouth for ISDN service and by affiliates for associated services, including monthly and non-recurring charges and reinstallation of analog service. No further amounts are due.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes, this docket should be closed.</p> <p><u>DECISION</u>: This item was deferred to a later Commission Conference.</p>

Minutes of  
Commission Conference  
February 29, 2000

ITEM NO.

CASE

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11 DOCKET NO. 992030-TI - Initiation of show cause proceedings against U.S. Operators, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: LEG: Clemons  
CMU: Biegalski

Issue 1: Should the Commission accept the settlement offer proposed by U.S. Operators, Inc. to resolve the apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

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 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.

Issue 2: Should this docket be closed?

Recommendation: No. With the approval of Issue 1, this docket should remain open pending the 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 Commission Order, the company's certificate should be canceled administratively, and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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CASE

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12 DOCKET NO. 991761-TL - Request for waiver of physical collocation requirements in the Mandarin-Loretto central office by BellSouth Telecommunications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer GR

Staff: CMU: Favors  
LEG: Stern

Issue 1: How should the Commission dispose of Covad's Request to Accept Late Filed Objections Out of Time, and BellSouth's Motion to Strike, Deny Covad Communication Company's Request to Accept Late Filed Objections, or in the Alternative, Opposition to Covad Communication Company's Objections?

Recommendation: The Commission should deny Covad's Request to Accept Late Filed Objections in which case BellSouth's Motion to Strike is rendered moot. The Commission should also reject BellSouth's comments in opposition to Covad's objections to the waiver.

Issue 2: Should BellSouth's Request for Waiver of Physical Collocation Requirements in the Mandarin-Loretto central office be granted?

Recommendation: Yes. The Commission should grant BellSouth a Waiver of Physical Collocation Requirements in the Mandarin-Loretto central office until April 30, 2000. If the building addition to the Mandarin-Loretto central office will not be complete by April 30, 2000, BellSouth must file for an extension of time with this Commission.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1 and 2, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber



