

**MINUTES OF
COMMISSION CONFERENCE, JANUARY 8, 2002**

COMMENCED: 10:30 a.m.

ADJOURNED: 10:40 a.m.

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

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

- 1 Approval of Minutes
 November 19, 2001 Regular Commission Conference
 December 4, 2001 Regular Commission Conference
 December 5, 2001 Special Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Jaber, Deason, Baez, Palecki

Minutes of
 Commission Conference
 January 8, 2002

<u>ITEM NO.</u>	<u>CASE</u>						
2**	Consent Agenda						
PAA	A) Applications for certificates to provide alternative local exchange telecommunications service.						
	<table border="1"> <thead> <tr> <th><u>DOCKET NO.</u></th> <th><u>COMPANY NAME</u></th> </tr> </thead> <tbody> <tr> <td>011625-TX</td> <td>Georgia Telephone Services, Inc.</td> </tr> <tr> <td>011628-TX</td> <td>Transparent Technology Services Corporation d/b/a North Palm Beach Telephone Company</td> </tr> </tbody> </table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	011625-TX	Georgia Telephone Services, Inc.	011628-TX	Transparent Technology Services Corporation d/b/a North Palm Beach Telephone Company
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>						
011625-TX	Georgia Telephone Services, Inc.						
011628-TX	Transparent Technology Services Corporation d/b/a North Palm Beach Telephone Company						
PAA	B) Applications for certificates to provide interexchange telecommunications service.						
	<table border="1"> <thead> <tr> <th><u>DOCKET NO.</u></th> <th><u>COMPANY NAME</u></th> </tr> </thead> <tbody> <tr> <td>011627-TI</td> <td>Conversant Technologies, Inc.</td> </tr> <tr> <td>011435-TI</td> <td>Astrocom Corporation</td> </tr> </tbody> </table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	011627-TI	Conversant Technologies, Inc.	011435-TI	Astrocom Corporation
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>						
011627-TI	Conversant Technologies, Inc.						
011435-TI	Astrocom Corporation						
PAA	C) Applications for certificates to provide pay telephone service.						
	<table border="1"> <thead> <tr> <th><u>DOCKET NO.</u></th> <th><u>COMPANY NAME</u></th> </tr> </thead> <tbody> <tr> <td>011626-TC</td> <td>Conversant Technologies, Inc.</td> </tr> <tr> <td>011624-TC</td> <td>A S Realty Investment Corp.</td> </tr> </tbody> </table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	011626-TC	Conversant Technologies, Inc.	011624-TC	A S Realty Investment Corp.
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>						
011626-TC	Conversant Technologies, Inc.						
011624-TC	A S Realty Investment Corp.						
PAA	D) Request for cancellation of alternative local exchange telecommunications certificate.						
	<table border="1"> <thead> <tr> <th><u>DOCKET NO.</u></th> <th><u>COMPANY NAME</u></th> <th><u>EFFECTIVE DATE</u></th> </tr> </thead> <tbody> <tr> <td>011630-TX</td> <td>Alliance Tel-Com, Inc.</td> <td>12/6/01</td> </tr> </tbody> </table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>	011630-TX	Alliance Tel-Com, Inc.	12/6/01
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>					
011630-TX	Alliance Tel-Com, Inc.	12/6/01					
PAA	E) Docket No. 011619-TP - Request for approval of indirect transfer of control of Business Telecom, Inc. d/b/a BTI (holder of ALEC Certificate No. 5195 and IXC Certificate No. 2948) to Welsh, Carson, Anderson & Stowe VIII, L.P. and affiliates.						
PAA	F) DOCKET NO. 011557-TP - Request for transfer of and name change on IXC Certificate 69 from AT&T Communications of						

Minutes of
Commission Conference
January 8, 2002

ITEM NO.

CASE

2**

Consent Agenda

(Continued from previous page)

the Southern States, Inc. d/b/a Connect 'N Save d/b/a Lucky Dog Phone Co. and d/b/a ACC Business to AT&T Communications of the Southern States, LLC d/b/a AT&T d/b/a Lucky Dog Phone Co. d/b/a ACC Business d/b/a SmarTalk d/b/a Unispeaksm Service and d/b/a www.prepaidserviceguide.com; request for transfer of and name change on AAV/ALEC Certificate 4037 from AT&T Communications of the Southern States, Inc. d/b/a AT&T to AT&T Communications of the Southern States, LLC d/b/a AT&T; request for cancellation of PATS Certificate 935; and application for PATS certificate by AT&T Communications of the Southern States, LLC d/b/a AT&T.

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
January 8, 2002

ITEM NO.

CASE

3**

Docket No. 010409-TP - Petition by Citizens of State of Florida for investigation of Talk America Inc. and its affiliate, The Other Phone Company, Inc. d/b/a Access One Communications, for willful violation of Rule 25-4.118, F.A.C.

Docket No. 010564-TX - Investigation of possible violation of Commission Rules 25-4.118 and 25-24.110, F.A.C., or Chapter 364, F.S., by The Other Phone Company, Inc. d/b/a Access One Communications, holder of ALEC Certificate No. 4099, and Talk America Inc.; holder of ALEC Certificate No. 4692. (Deferred from December 17, 2001 conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Jaber

Staff: APP: Cibula, Bellak
CMP: M. Watts

ISSUE 1: Should the Commission grant Talk America's Motion for Clarification and Extension of Time and Amended Request for Extension of Time?

RECOMMENDATION: Talk America's Motion for Clarification and Extension of Time should be granted in part and denied in part, and Talk America's Amended Request for Extension of Time should be granted. Order No. PSC-01-2107-SC-TP should be amended to include the list provided in Attachment A of staff's December 26, 2001 memorandum, which sets forth Talk America's apparent violations by complaint number and categorizes the complaints under the applicable violation. Hearing staff should be ordered to provide the customer complaint forms generated by the Division of Consumer Affairs that correspond to the customer complaints set forth in Attachment A within 10 days of the issuance date of the order rendered in this matter. Furthermore, Order No. PSC-01-2107-SC-TP should be amended to clarify that each complaint forms the basis for a single violation. Moreover, Talk America should file its response to Order No. PSC-01-2107-SC-TP within ~~30~~ 60 days after the hearing staff provides the customer complaint forms to Talk America. The

Minutes of
Commission Conference
January 8, 2002

ITEM NO.

CASE

3**

Docket No. 010409-TP - Petition by Citizens of State of Florida for investigation of Talk America Inc. and its affiliate, The Other Phone Company, Inc. d/b/a Access One Communications, for willful violation of Rule 25-4.118, F.A.C.

Docket No. 010564-TX - Investigation of possible violation of Commission Rules 25-4.118 and 25-24.110, F.A.C., or Chapter 364, F.S., by The Other Phone Company, Inc. d/b/a Access One Communications, holder of ALEC Certificate No. 4099, and Talk America Inc.; holder of ALEC Certificate No. 4692. (Deferred from December 17, 2001 conference; revised recommendation filed.)

(Continued from previous page)

Commission should deny Talk America's request for a separate list from the Commission detailing the company's apparent violations by billing telephone number and customer name, as such a list is unnecessary if Attachment A and the customer complaint forms generated by the Division of Consumer Affairs are provided to Talk America. Talk America should be put on notice that no additional extensions of time will be granted for filing a response to Order No. PSC-01-2107-SC-TP, barring unforeseen circumstances.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No. These dockets should remain open to allow Talk America to file its response to Order No. PSC-01-2107-SC-TP as discussed in Issue 1.

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
4	<p>Docket No. 000828-TP - Petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc.</p> <p>Docket No. 000761-TP - Petition by Sprint Spectrum L.P., d/b/a Sprint PCS for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. pursuant to Section 252 of the Telecommunications Act.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Deason (000761-TP) Prehearing Officer: Baez (000828-TP)</p> <p>Staff: CMP: Fulwood, King LEG: Christensen, Banks</p> <p>(Participation is limited to Commissioners and staff.) <u>ISSUE 1</u>: Should the Commission approve the arbitrated Interconnection, Unbundling, Resale, and Collocation Agreement between BellSouth and Sprint in Docket Nos. 000828-TP and 000761-TP? <u>RECOMMENDATION</u>: Yes. The Commission should approve the arbitrated Interconnection, Unbundling, Resale, and Collocation Agreement between BellSouth and Sprint in Docket Nos. 000828-TP and 000761-TP. <u>ISSUE 2</u>: Should these dockets be closed? <u>RECOMMENDATION</u>: Yes. If the Commission approves staff's recommendation in Issue 1, no further action will be required in these dockets. Therefore, these dockets may be closed.</p>

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
January 8, 2002

ITEM NO.

CASE

5**

Docket No. 011579-GU - Petition for approval of transportation cost recovery factors by Florida Division of Chesapeake Utilities Corporation.

Critical Date(s): 1/14/02 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Makin, Bulecza-Banks
LEG: Dodson

ISSUE 1: Should the Commission grant the Florida Division of Chesapeake Utilities Corporation's petition for approval of its transportation cost recovery factors, effective the date of the Commission's vote in this matter?

RECOMMENDATION: Yes. The Commission should approve the Florida Division of Chesapeake Utilities Corporation's petition for approval of its transportation cost recovery factors effective the date of the Commission's vote in this matter.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

6**PAA

Docket No. 991890-WS - Investigation into ratemaking consideration of gain on sale from sales of facilities of Utilities, Inc. of Florida to the City of Maitland in Orange County and the City of Altamonte Springs in Seminole County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Palecki

Staff: ECR: Kyle, Merchant
LEG: Brubaker

ISSUE 1: Was a gain realized on the sale of UIF's Druid Isle water system and a portion of its Oakland Shores water system to the City of Maitland in Orange County?

RECOMMENDATION: Yes. Staff believes a gain of \$61,669 was realized on the sale of UIF's Druid Isle water system and a portion of its Oakland Shores water system to the City of Maitland in Orange County.

ISSUE 2: Was a gain realized on the sale of UIF's Green Acres Campground water and wastewater facilities to the City of Altamonte Springs in Seminole County?

RECOMMENDATION: Yes. Staff believes a gain of \$269,661 was realized on the sale of UIF's Green Acres Campground water and wastewater facilities to the City of Altamonte Springs in Seminole County.

ISSUE 3: Should the gains on the Maitland and Altamonte sales be shared with the remaining ratepayers of UIF?

RECOMMENDATION: No. The remaining Orange and Seminole County UIF customers should not receive recovery of the realized gains from the Maitland or Altamonte sales.

ISSUE 4: Should this docket be closed?

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

DECISION: This item was deferred.

Minutes of
Commission Conference
January 8, 2002

ITEM NO.

CASE

7**

Docket No. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

Critical Date(s): 1/14/02 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehearing Officer: Baez

Staff: ECR: Revell, Wheeler
LEG: Helton, Elias, Vining
SER: Bohrmann, Harlow

ISSUE 1: Should the proposed rates and tariff revisions requested by FPC be suspended pending a final decision in this docket?

RECOMMENDATION: Yes. Staff recommends that the associated rates and tariff revisions requested by FPC be suspended pending a final decision in this docket.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should not be closed.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
January 8, 2002

ITEM NO.

CASE

8**

Docket No. 011594-EI - Petition for approval of revised premium lighting tariff by Tampa Electric Company.

Critical Date(s): 1/18/02 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: ECR: Hudson
LEG: Echternacht

ISSUE 1: Should the Commission approve TECO's proposed change to its Premium Outdoor Lighting Service (OL-3) rate schedule?

RECOMMENDATION: Yes. The Commission should approve TECO's proposed change to its Premium Outdoor Lighting Service (OL-3) rate schedule.

ISSUE 2: What is the appropriate effective date for the revised tariff?

RECOMMENDATION: The appropriate effective date for the revised tariff is January 8, 2002.

ISSUE 3: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
January 8, 2002

ITEM NO.

CASE

9**

Docket No. 990874-TP - Request for arbitration concerning complaint of US LEC of Florida Inc. against BellSouth Telecommunications, Inc. regarding breach of terms of interconnection agreement and request for relief.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Baez

Staff: LEG: Banks
CMP: Hinton

ISSUE 1: Should the Commission acknowledge US LEC's Notice of Withdrawal of its Second Amended Complaint against BellSouth?

RECOMMENDATION: Yes. The Commission should acknowledge US LEC's Notice of Withdrawal of its Second Amended Complaint against BellSouth.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Since there are no further issues requiring action by the Commission, this docket should be closed.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
January 8, 2002

<u>ITEM NO.</u>	<u>CASE</u>
-----------------	-------------

10**	Docket No. 000779-TL - Request for temporary waiver of physical collocation in the Perdido Bay Central Office by BellSouth Telecommunications, Inc.
------	---

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: LEG: Banks
CMP: Fulwood

ISSUE 1: Should Order No. PSC-00-1651-FOF-TL, issued September 18, 2000, granting BellSouth a Temporary Waiver of Physical Collocation Requirements in the Perdido Bay central office, be vacated in part?

RECOMMENDATION: Yes. Staff recommends that Order No. PSC-00-1651-FOF-TL be vacated in part, in regard to the time which remains in BellSouth's temporary waiver of physical collocation requirements in the Perdido Bay central office. The waiver should terminate upon issuance of an Order resulting from this recommendation.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed upon issuance of the Commission's order.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
January 8, 2002

ITEM NO.

CASE

11**

Docket No. 011344-WS - Resolution No. 2001-128 by Nassau County, in accordance with Section 367.171, F.S., rescinding Florida Public Service Commission jurisdiction over investor-owned water and wastewater systems in Nassau County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: RGO: Rieger
ECR: Mailhot
LEG: Crosby, Gervasi

ISSUE 1: Should the Commission acknowledge Resolution No. 2001-128, rescinding the Commission's jurisdiction over investor-owned water and wastewater utilities in Nassau County effective September 17, 2001?

RECOMMENDATION: Yes. The Commission should acknowledge Resolution No. 2001-128, rescinding the Commission's jurisdiction over investor-owned water and wastewater utilities in Nassau County, effective September 17, 2001. Certificate No. 001-W, held by Florida Public Utilities Company (FPUC), should be canceled and returned to the Commission within 30 days from when FPUC is no longer a party to, or at the conclusion of, Docket No. 990817-WS. The cancellation of the certificate does not affect the authority of the Commission to collect, or the obligation of FPUC to pay, regulatory assessment fees accrued prior to the September 17, 2001, transfer of jurisdiction to the County.

PAA

ISSUE 2: Does the Commission retain exclusive jurisdiction over United Water Florida Inc.'s (UWF) facilities in Nassau County pursuant to Section 367.171(7), Florida Statutes?

RECOMMENDATION: Yes, pursuant to Section 367.171(7), Florida Statutes, because UWF operates as a single utility system transversing county boundaries, the Commission clearly retains exclusive jurisdiction over its facilities in Nassau County, as well as in St. Johns and Duval Counties.

Minutes of
Commission Conference
January 8, 2002

ITEM NO.

CASE

11**

Docket No. 011344-WS - Resolution No. 2001-128 by Nassau County, in accordance with Section 367.171, F.S., rescinding Florida Public Service Commission jurisdiction over investor-owned water and wastewater systems in Nassau County.

(Continued from previous page)

PAA

ISSUE 3: Does the Commission retain exclusive jurisdiction over Florida Water Services Corporation's (FWSC) facilities in Nassau County pursuant to Section 367.171(7), Florida Statutes?

RECOMMENDATION: No. Because FWSC does not operate as a single utility system transversing county boundaries, the Commission does not retain exclusive jurisdiction over its facilities in Nassau County pursuant to Section 367.171(7), Florida Statutes. Therefore, Certificates Nos. 171-W and 122-S, held by FWSC, should be canceled and returned to the Commission within 30 days of the conclusion of Docket No. 990817-WS. The cancellation of the certificates should not affect the authority of the Commission to collect, or the obligation of FWSC to pay, RAFs for the regulation of its Nassau County facilities accrued prior to the September 17, 2001, transfer of jurisdiction to Nassau County.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: No. If no protest is received from a substantially affected person to the proposed agency action issues, a consummating order should be issued and this docket should remain open until Docket No. 990817-WS has been closed, after which time this docket should be closed administratively and FPUC'S Certificate No. 001-W, and FWSC'S Certificates Nos. 171-W and 122-S, should be cancelled.

DECISION: This item was deferred.

Minutes of
Commission Conference
January 8, 2002

<u>ITEM NO.</u>	<u>CASE</u>
12**PAA	<p>Docket No. 011365-EQ - Petition for approval of amendment to cogeneration contract with Bay County Resource Recovery Facility by Florida Power Corporation.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: SER: Harlow, Bohrmann, Breman, D. Lee LEG: Dodson</p> <p><u>ISSUE 1</u>: Should Florida Power Corporation's petition for approval of an amendment to the purchased power contract with the Bay County Resource Recovery Facility be approved? <u>RECOMMENDATION</u>: No. Under the amendments, FPC's ratepayers will: 1) experience an immediate cost increase of \$610,000 in exchange for estimated benefits that do not occur until 2007; 2) lose the benefit of zero capacity payments for firm energy from 2013 through 2022; and 3) lose reimbursement of approximately \$21.1 million for early capacity payments in the event of a buy-down of capacity or default by Bay County.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes, if no protest is filed within 21 days of the issuance of the order.</p> <p><u>DECISION</u>: This item was deferred.</p>