

MINUTES OF
COMMISSION CONFERENCE, JULY 10, 2001
COMMENCED: 9:30 a.m.
ADJOURNED: 1:30 p.m.

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

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

1 Approval of Minutes
 May 29, 2001 Regular Commission Conference

DECISION: The minutes were approved.

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

2** Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010844-TC	D & K Management Services, Inc.
010833-TC	Strikers Family Sports Center II, Inc.

PAA B) Application for certificate to provide alternative local
 exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010366-TX	W.G.I. Communications, Inc. d/b/a Boomerang Communications, Inc.

Minutes of
Commission Conference
July 10, 2001

<u>ITEM NO.</u>	<u>CASE</u>										
2**	Consent Agenda (Continued from previous page)										
PAA	C) Applications for certificates to provide interexchange telecommunications service.										
	<table><thead><tr><th><u>DOCKET NO.</u></th><th><u>COMPANY NAME</u></th></tr></thead><tbody><tr><td>010371-TI</td><td>IntelleCare.FL., Inc.</td></tr><tr><td>010375-TI</td><td>LD Telecommunications, Inc.</td></tr><tr><td>010590-TI</td><td>NexGen Telecom, LLC</td></tr><tr><td>010093-TI</td><td>Telmex USA, L.L.C.</td></tr></tbody></table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	010371-TI	IntelleCare.FL., Inc.	010375-TI	LD Telecommunications, Inc.	010590-TI	NexGen Telecom, LLC	010093-TI	Telmex USA, L.L.C.
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>										
010371-TI	IntelleCare.FL., Inc.										
010375-TI	LD Telecommunications, Inc.										
010590-TI	NexGen Telecom, LLC										
010093-TI	Telmex USA, L.L.C.										
PAA	D) DOCKET NO. 010848-TP - Application for cancellation of ALEC Certificate No. 4312 5293 and IXC Certificate No. 4312 by Omnicall, Inc., effective 06/14/01.										
PAA	E) DOCKET NO. 010653-TP - Notice of transfer of control of 01 Communications of Florida, LLC (holder of IXC Certificate No. 7301 and ALEC Certificate No. 7302) from SpectrumLink Networks, Inc., parent company of 01 Communications to Clearwire Holdings Inc., with Clearwire Holdings Inc. acquiring control of SpectrumLink Networks, Inc. and 01 remaining a subsidiary of SpectrumLink.										
PAA	F) DOCKET NO. 010091-TI - Request for approval of merger of Conestoga Communications, Inc., an affiliate of TeleBeam, Incorporated (holder of IXC Certificate No. 7283), into TeleBeam, and name change on Certificate No. 7283 to CEI Networks, Inc.										

Minutes of
Commission Conference
July 10, 2001

<u>ITEM NO.</u>	<u>CASE</u>
2**	Consent Agenda (Continued from previous page)
PAA	G) DOCKET NO. 010328-TP - Request for approval of consolidation of KMC Telecom Inc. (holder of ALEC Certificate No. 4733, IXC Certificate No. 4792, and AAV Certificate No. 4822), and KMC Telecom II, Inc. (holder of ALEC certificate No. 5617 and IXC Certificate No. 5616) into KMC Telecom III, Inc. (holder of ALEC Certificate No. 7093 and IXC Certificate No. 7092), whereby all customers and operations of KMC Telecom Inc. and KMC Telecom II, Inc., will be transferred to KMC Telecom III, Inc.; for cancellation of ALEC Certificates Nos. 4733 and 5617, cancellation of IXC Certificates Nos. 4792 and 5616; and for transfer and name change on AAV Certificate No. 4822 from KMC Telecom Inc. to KMC Telecom III, Inc. (Deferred from May 15, 2001 Commission Conference; new recommendation filed.)

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

DECISION: The recommendation was approved with the noted modification to Item D, Docket No. 010848-TP.

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

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

3**

DOCKET NO. 010810-TP - Petition by MCI WorldCom Communications, Inc. and MCImetro Access Transmission Services, LLC to initiate rule making pursuant to Section 364.01 and 364.03, F.S., to Mandate Use of Electronic Authorization as a Permissible Method for Consumers to Lift Preferred Carrier Freezes.

Critical Date(s): None (7/5/01 statutory 30-day deadline has been waived by petitioner.)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: APP: Moore
CAF: Johnson
CMP: Moses

ISSUE 1: Should the Commission grant the petition of WorldCom to initiate rulemaking to amend Rule 25-4.110 regarding preferred carrier freezes?

RECOMMENDATION: Yes. The Commission should grant the petition in part. A rule development workshop should be held before the Commission decides whether to amend Rule 25-4.110 in the form requested by the petitioner.

ISSUE 2: Should BellSouth Telecommunications, Inc.'s Petition for Leave to Intervene be granted?

RECOMMENDATION: No. It is not necessary to grant petitions to intervene in a rulemaking docket.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
July 10, 2001

<u>ITEM NO.</u>	<u>CASE</u>
4**	<p>Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>DOCKET NO. 010462-TC - Edward D. Pacetti DOCKET NO. 010497-TC - Joseph E. Browder and Gary D. Carlson</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: Isler LEG: Elliott</p> <p><u>ISSUE 1</u>: Should the Commission grant the companies listed on page 4 of staff's June 28, 2001 memorandum a voluntary cancellation of their respective certificates? <u>RECOMMENDATION</u>: Yes. The Commission should grant each company a voluntary cancellation of its telecommunications certificate with an effective date as listed on page 4.</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: Jacobs, Deason, Jaber, Baez, Palecki</p>

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

5**PAA

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees, Telecommunications Companies.

DOCKET NO. 010478-TC - Ameritel Payphone Distributors, Inc.
DOCKET NO. 010494-TC - Arbor Health Care Company d/b/a Arbors at Jacksonville
DOCKET NO. 010500-TC - Richard L. Sturgeon

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

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

ISSUE 1: Should the Commission impose a \$1,000 fine or cancel the certificates issued to the companies listed on page 5 of staff's June 28, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$1,000 fine or cancel each company's respective certificate as listed on page 5 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificates listed on page 5 should be canceled administratively.

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

5**PAA

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees, Telecommunications Companies.

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

6**PAA

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

DOCKET NO. 010459-TC - Josiah Jones

DOCKET NO. 010460-TC - Oakland Gas Inc.

DOCKET NO. 010461-TC - Albert Bailey d/b/a Bailey's Technical Services

DOCKET NO. 010464-TC - Lightning Bolt Marketing & Distributors Inc.

DOCKET NO. 010465-TC - Fine Fones, Inc.

DOCKET NO. 010483-TC - Erik Lamar Washington

DOCKET NO. 010498-TC - Pete Gacio

DOCKET NO. 010501-TC - Robert W. Carter

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler

LEG: Elliott, K. Pena, B. Keating

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on page 5 of staff's June 28, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

6**PAA

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

(Continued from previous page)

administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

7**PAA

DOCKET NO. 001485-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7160 issued to CAT Communications International, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. (Deferred from May 15, 2001 Commission Conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Banks

ISSUE 1: Should the Commission accept the settlement offer proposed by CAT Communications International, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: No. The Commission should not accept the company's settlement offer, which proposed to pay a \$100 contribution and future regulatory assessment fees on a timely basis. Instead, the Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's Certificate No. 7160 should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

7**PAA

DOCKET NO. 001485-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7160 issued to CAT Communications International, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

ISSUE 2: Should this docket be closed?

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

DECISION: This item was deferred to the August 14, 2001 Commission Conference.

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

8**

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

DOCKET NO. 010414-TC - Michael Anthony Holoday d/b/a Atlantic & Gulf Communications

DOCKET NO. 010442-TC - Sharky's Draft House, Inc.

DOCKET NO. 010447-TC - J.C. Vending, Inc.

DOCKET NO. 010463-TC - James M. Sprinkle

DOCKET NO. 010485-TC - Thomas Rynning

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

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

ISSUE 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 of staff's June 28, 2001 memorandum to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept each company's respective 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 any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

8**

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

(Continued from previous page)

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

9**PAA

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and Rule 25-24.520, F.A.C., Reporting Requirements.

DOCKET NO. 010480-TC - Stellar Telecommunication, Inc.
DOCKET NO. 010495-TC - George C. Brown d/b/a Brown's Modern Barber Shop

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

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

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on page 6 of staff's June 28, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 6 if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificates listed on page 6 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ITEM NO.

CASE

9**PAA

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and Rule 25-24.520, F.A.C., Reporting Requirements.

(Continued from previous page)

ISSUE 2: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on page 6 of staff's memorandum for apparent violation of Rule 25-24.520, Florida Administrative Code, Reporting Requirements?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 6 if the information required by Rule 25-24.520, Florida Administrative Code, Reporting Requirements, and fine are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, the certificates listed on page 6 should be canceled administratively.

ISSUE 3: Should these dockets be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon receipt of the fines, fees, and required information or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

10**

DOCKET NO. 001412-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5260 issued to Florida City-Link Communications, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Walker

ISSUE 1: Should the Commission accept the settlement offer proposed by Florida City-Link Communications, 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. 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: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

11**PAA

DOCKET NO. 000584-WS - Application for approval of staff-assisted rate case in Martin County by Laniger Enterprises of America, Inc.

Critical Date(s): 4/11/02 (15-month effective date)

Commissioners Assigned: Full Commission
Prehrg Officer JB

Staff: ECR: Fitch, Lingo, Wetherington
LEG: Brubaker

(All Issues Proposed Agency Action Except Issues 15 and 16.)

ISSUE 1: Is the quality of service provided by Laniger to its customers satisfactory?

RECOMMENDATION: Yes. The quality of service provided by Laniger should be considered satisfactory. However, the utility should be ordered to provide a written plan detailing its methods of responding to lift station alarms and main breaks within 90 days of the effective date of the Commission Order. This plan should include at a minimum the notifying of every customer of a telephone number to call at the time of an alarm or main break, and the assurance that number will be answered twenty-four hours a day by a utility staff member who is knowledgeable in dealing with these situations.

ISSUE 2: Does the utility have excessive unaccounted for water and, if so, what adjustments should be made?

RECOMMENDATION: Yes. Laniger Enterprises of America, Inc., has approximately 2.5% excessive unaccounted for water. Therefore, allowable expenses for purchased electricity and chemicals should be reduced by 2.5%.

ISSUE 3: What portions of the water and wastewater treatment plants and the water distribution and wastewater collection systems should be considered used and useful?

RECOMMENDATION: The water treatment plant should be considered 64.1% used and useful. The water distribution system should be considered 78.8% used and useful. The wastewater treatment plant should be considered 83.8% used and useful, the effluent disposal system should be considered 100% used and useful, and the wastewater collection system should be considered 87.3% used and

ITEM NO.

CASE

11**PAA

DOCKET NO. 000584-WS - Application for approval of staff-assisted rate case in Martin County by Laniger Enterprises of America, Inc.

(Continued from previous page)

useful. The utility should be required to test its collection system to determine the level of infiltration and inflow (I&I), as discussed in the analysis portion of staff's June 28, 2001 memorandum.

ISSUE 4: What is the appropriate average test year rate base for the utility?

RECOMMENDATION: The appropriate average test year rate base for the utility is \$229,799 for water and \$225,683 for wastewater. The utility should be required to complete all pro forma additions, as discussed in the staff analysis, within nine months of the effective date of the Commission Order.

ISSUE 5: What is the appropriate rate of return on equity and the appropriate overall rate of return for this utility?

RECOMMENDATION: The appropriate rate of return on equity is 9.94% with a range of 8.94% - 10.94%. The appropriate overall rate of return for the utility is 8.85%.

ISSUE 6: What are the appropriate test year revenues?

RECOMMENDATION: The appropriate test year revenues for this utility are \$116,419 for water and \$114,516 for wastewater.

ISSUE 7: What is the appropriate amount of operating expense?

RECOMMENDATION: The appropriate amount of operating expense for this utility is \$90,942 for water and \$148,206 for wastewater. The utility should be required to provide the Commission with proof of the initiation of a pension plan, as discussed in the staff analysis, within 90 days of the effective date of the Commission Order. Moreover, the utility should be reminded to send bills pursuant to Rule 25-30.335, Florida Administrative Code, at regular intervals.

ISSUE 8: What is the appropriate revenue requirement?

RECOMMENDATION: The appropriate revenue requirement is \$111,279 for water and \$168,179 for wastewater.

ISSUE 9: What is the appropriate disposition of the overearnings associated with the water system?

ITEM NO.

CASE

11**PAA

DOCKET NO. 000584-WS - Application for approval of staff-assisted rate case in Martin County by Laniger Enterprises of America, Inc.

(Continued from previous page)

RECOMMENDATION: The utility should be required to spend the total recommended level of the water system's overearnings to implement the water conservation programs discussed in the staff analysis. The utility should, at a minimum, spend the recommended amount for each of the first two years of its conservation programs, and be required to file quarterly reports with the Commission on its program covering the same two-year period. These reports should list the conservation measures that were implemented during the period and the amounts expended. Staff should confer with the SFWMD in reviewing the reports in order to evaluate the effectiveness of the program and ensure that the program and amounts spent are consistent with the Commission order.

ISSUE 10: Is a continuation of the utility's current rate structure appropriate in this case?

RECOMMENDATION: Yes. A continuation of the utility's current rate structure is appropriate.

ISSUE 11: What are the appropriate rates for each system?

RECOMMENDATION: The recommended rates should be designed to produce revenue of \$116,419 for water and \$168,179 for wastewater, as shown in the staff analysis. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), Florida Administrative Code. The rates should not be implemented until notice has been received by the customers. The utility should provide proof of the date notice was given within 10 days after the date of the notice.

ISSUE 12: Is an adjustment to reflect repression of consumption appropriate in this case, and, if so, what is the appropriate repression adjustment?

RECOMMENDATION: No. A repression adjustment is not appropriate in this case.

ISSUE 13: What is the appropriate amount by which rates should be reduced four years after the established effective

ITEM NO.

CASE

11**PAA

DOCKET NO. 000584-WS - Application for approval of staff-assisted rate case in Martin County by Laniger Enterprises of America, Inc.

(Continued from previous page)

date to reflect the removal of the amortized rate case expense as required by Section 367.0816, Florida Statutes? **RECOMMENDATION:** The water and wastewater rates should be reduced as shown on Schedules 4 and 4A of staff's memorandum, to remove rate case expense grossed up for regulatory assessment fees and amortized over a four-year period. The decrease in rates should become effective immediately following the expiration of the four-year rate case expense recovery period, pursuant to Section 367.0816, Florida Statutes. The utility should be required to file revised tariffs and a proposed customer notice setting forth the lower rates and the reason for the reduction no later than one month prior to the actual date of the required rate reduction. If the utility files this reduction in conjunction with a price index or pass-through rate adjustment, separate data should be filed for the price index and/or pass-through increase or decrease and the reduction in the rates due to the amortized rate case expense.

ISSUE 14: What are the appropriate customer deposits for this utility?

RECOMMENDATION: The appropriate customer deposits should be the recommended charges specified in the staff analysis. The utility should file revised tariff sheets which are consistent with the Commission's vote. Staff should be given administrative authority to approve the revised tariff sheets upon staff's verification that the tariffs are consistent with the Commission's decision. If revised tariff sheets are filed and approved, the customer deposits should become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed.

ISSUE 15: Should the utility be required to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for its apparent violation of Rule 25-30.115,

ITEM NO.

CASE

11**PAA

DOCKET NO. 000584-WS - Application for approval of staff-assisted rate case in Martin County by Laniger Enterprises of America, Inc.

(Continued from previous page)

Florida Administrative Code, for its failure to maintain its books and records in conformance with the NARUC USOA?

RECOMMENDATION: No. A show cause proceeding should not be initiated. Although the utility was not in compliance with the NARUC USOA during the test year, the utility is currently in compliance with the NARUC USOA.

ISSUE 16: Should the recommended rates be approved for the utility on a temporary basis, subject to refund, in the event of a protest filed by a party other than the utility?

RECOMMENDATION: Yes. Pursuant to Section 367.0814(7), Florida Statutes, the recommended rates should be approved for the utility on a temporary basis, subject to refund, in the event of a protest filed by a party other than the utility. Prior to implementation of any temporary rates, the utility should provide appropriate security. If the recommended rates are approved on a temporary basis, the rates collected by the utility should be subject to the refund provisions discussed in the analysis portion of staff's memorandum. In addition, after the increased rates are in effect, pursuant to Rule 25-30.360(7), Florida Administrative Code, the utility should file reports with the Division of Economic Regulation no later than 20 days after each monthly billing. These reports should indicate the amount of revenue collected under the increased rates subject to refund.

ISSUE 17: Should this docket be closed?

RECOMMENDATION: No. If no timely protest is received upon expiration of the protest period, the PAA Order will become final upon the issuance of a Consummating Order. However, this docket should remain open for an additional nine months from the effective date of the Order to allow staff to verify completion of proforma plant items as described in Issue No. 4. Once staff has verified that this work has been completed, the docket should be closed administratively.

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

11**PAA

DOCKET NO. 000584-WS - Application for approval of staff-assisted rate case in Martin County by Laniger Enterprises of America, Inc.

(Continued from previous page)

DECISION: The recommendations were approved with a modification to Issue 9 that the utility will file an affidavit at the end of the two-year period indicating there were no overearnings.

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

Minutes of
Commission Conference
July 10, 2001

<u>ITEM NO.</u>	<u>CASE</u>
12**	<p>DOCKET NO. 010727-EI - Petition for approval to revise tariff for service charges for payment through a third party vendor by Tampa Electric Company.</p> <p>Critical Date(s): 7/10/01 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: ECR: Wheeler, E. Draper LEG: Isaac</p> <p><u>ISSUE 1</u>: Should the Commission approve TECO's proposed tariff revision to allow payment through a third party vendor? <u>PRIMARY RECOMMENDATION</u>: Yes. TECO's proposal affords customers additional payment options, and should be approved. <u>ALTERNATIVE RECOMMENDATION</u>: No. The proposed fee for the additional payment options is excessive.</p> <p><u>ISSUE 2</u>: What is the appropriate effective date for TECO's proposed tariff to allow payment through a third party vendor? <u>RECOMMENDATION</u>: If the Commission approves the Primary Staff Recommendation in Issue 1, the appropriate effective date for TECO's proposed tariff to allow payment through a third party vendor is July 10, 2001. If the Commission approves the Alternative Staff Recommendation in Issue 1, this issue is moot.</p> <p><u>ISSUE 3</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>

DECISION: An order will be issued to acknowledge TECO's withdrawal of its petition and close the docket.

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

Minutes of
Commission Conference
July 10, 2001

ITEM NO.

CASE

13**

DOCKET NO. 010309-TL - Petition for expedited review of North American Plan Administration's (NANPA) denial of application for use of central office code numbering resources or NXX codes in Orlando Magnolia switch by BellSouth Telecommunications, Inc.

DOCKET NO. 010782-TL - Petition for generic proceedings to establish expedited process for reviewing North American Plan Administration (NANPA) future denials of applications for use of additional NXX Codes by BellSouth Telecommunications, Inc.

DOCKET NO. 010783-TL - Petition for review of pooling administrator's denial of request for additional numbering resources by Neustar by BellSouth Telecommunications, Inc.

DOCKET NO. 010743-TL - Petition for review of proposed numbering plan relief for the 407/321 area codes by Neustar, Inc., as North American Numbering Plan Administration (NANPA), on behalf of Florida telecommunications industry.

DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.

DOCKET NO. 990456-TL - Request for review of proposed numbering plan relief for the 561 area code.

DOCKET NO. 990457-TL - Request for review of proposed numbering plan relief for the 954 area code.

DOCKET NO. 960786-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996.

Critical Date(s): None

Commissioners Assigned: Full Commission (010782, 010743, 960786, 010783, 010309)
Full Commission (for this decision only) - 990455, 990456, 990457
Prehr Officer ADM (010783)
Prehr Officer BZ (010782)
Prehr Officer PL (010309)
Prehr Officer DS (990455, 990456, 990457, 010743, 960786)

Minutes of
Commission Conference
July 10, 2001

<u>ITEM NO.</u>	<u>CASE</u>
13**	DOCKET NOS. 010309-TL, 010782-TL, 010783-TL, 010743-TL, 990455-TL, 990456-TL, 990457-TL & 960786-TL.

(Continued from previous page)

Staff: LEG: Fordham
CMP: Casey

ISSUE 1: Should BellSouth's Motions to Dismiss Response and Protests and its Motion to Strike and/or Dismiss Pleading be granted and the protested Orders be made final?

RECOMMENDATION: Yes. Staff recommends that BellSouth's Motions to Dismiss Protest be granted, that the Motion to Strike and/or Dismiss Pleading be granted, and the protested Orders be made final, effective as of the end of the protest period for each of the orders in question.

ISSUE 2: Should the matter be referred to agencies having jurisdiction to seek sanctions against the person(s) responsible for filing the probable bogus documents?

RECOMMENDATION: Yes. Staff believes the matter should be referred to agencies having jurisdiction to seek sanctions against the person(s) responsible for filing the probable bogus documents, for action as those agencies deem appropriate.

ISSUE 3: Should these Dockets be closed?

RECOMMENDATION: No. These Dockets should remain open, and proceed as if the Protests were not filed.

DECISION: The recommendations were approved with a clarification to Issue 2 that staff is to cooperate fully with the appropriate agency.

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

Minutes of
Commission Conference
July 10, 2001

<u>ITEM NO.</u>	<u>CASE</u>
14**	DOCKET NO. 010382-SU - Application for transfer of Certificate No. 515-S in Polk County from ABCA, Inc. to West Lakeland Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JB

Staff: RGO: Brady
LEG: Crosby, Gervasi

ISSUE 1: Should Order No. PSC-01-1271-PAA-SU be modified to reflect that Certificate No. 515-S is transferred from ABCA to West Lakeland Wastewater, Inc., which is the correct name of the utility as registered with the Division of Corporations, Department of State?

RECOMMENDATION: Yes. Order No. PSC-01-1271-PAA-SU should be modified to reflect that Certificate No. 515-S is being transferred from ABCA to West Lakeland Wastewater, Inc. West Lakeland Wastewater, Inc. should be required to notice the customers of the change in name of the utility. Further, by September 14, 2001, West Lakeland Wastewater, Inc. should provide proof that it owns the land or possesses the right to continued use of the land upon which the utility treatment facilities are located.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. The docket should remain open pending receipt of proof that West Lakeland Wastewater, Inc., owns the land or possesses the right to continued use of the land upon which the utility treatment facilities are located. The docket should also remain open to verify that West Lakeland Wastewater, Inc. has notice the customers of the utility of the change in the name of the utility. Upon receipt and verification of such proof, the docket should be administratively closed.

DECISION: The recommendations were approved with the understanding that staff will track the issues in dispute between the parties.

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

Minutes of
Commission Conference
July 10, 2001

<u>ITEM NO.</u>	<u>CASE</u>
15**	DOCKET NO. 990975-SU - Application for transfer of Certificate No. 281-S in Lee County from Bonita Country Club Utilities, Inc. to RealNor Hallandale, Inc.

Critical Date(s): None

Commissioners Assigned: JC DS JB
Prehrg Officer JC

Staff: LEG: Gervasi
RGO: Johnson, Redemann

ISSUE 1: Should RealNor's Petition to Accept Certificate of Title in Lieu of Warranty Deed be granted?

RECOMMENDATION: Yes. RealNor's Petition to Accept Certificate of Title in Lieu of Warranty Deed should be granted and the docket should be closed.

DECISION: The recommendation was approved.

Commissioners participating: Jacobs, Deason, Jaber

<u>ITEM NO.</u>	<u>CASE</u>
16**	<p>DOCKET NO. 991437-WU - Application for increase in water rates in Orange County by Wedgefield Utilities, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: DS JB BZ Prehrg Officer JB</p> <p>Staff: LEG: Fudge, Christensen ECR: Kyle</p> <p><u>ISSUE 1</u>: Should Wedgefield's Motion for Summary Final Order be granted? <u>RECOMMENDATION</u>: No. Staff recommends that Wedgefield's Motion for Summary Final Order should be denied.</p> <p><u>ISSUE 2</u>: Should Wedgefield's Motion to Strike and Dismiss the Office of Public Counsel's Petition Requesting Section 120.57 Hearing and Protest of Proposed Agency Action be granted? <u>RECOMMENDATION</u>: No. Based on the doctrine of res judicata, <u>fact that no new grounds have been raised and that the Commission ruled on this at a prior agenda conference</u>, Wedgefield's renewed Motion to Strike and Dismiss should be denied.</p> <p><u>ISSUE 3</u>: Should Wedgefield's Motion to Strike Portions of Prefiled Direct Testimony of OPC Witnesses Larkin and Bidy be granted? <u>RECOMMENDATION</u>: No. If the Commission denies Wedgefield's motion for Summary Final Order in Issue 1, Wedgefield's Motion to Strike should also be denied. If Wedgefield's Motion for Summary Final Order is granted, then the Motion to Strike Portions of Prefiled Direct Testimony of OPC Witnesses Larkin and Bidy should also be granted.</p> <p><u>ISSUE 4</u>: Should this docket be closed? <u>RECOMMENDATION</u>: No. This docket should remain open pending a hearing and the Commission's final determination of the issues in dispute.</p>

DECISION: The recommendations were approved with the noted clarification to Issue 2.

Commissioners participating: Deason, Jaber, Baez

ITEM NO.

CASE

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

Critical Date(s): None

Commissioners Assigned: DS BZ PL
Prehrg Officer BZ

Staff: CMP: Ileri
LEG: Fordham

ISSUE A: Should BellSouth Telecommunications, Inc's (BellSouth) Motion for Leave to File Amicus Brief on Limited Issue of Whether FPSC Has Authority to Order Rate Center Consolidation be granted?

RECOMMENDATION: Yes. BellSouth's Motion for Leave to File Amicus Brief on Limited Issue of Whether FPSC Has Authority to Order Rate Center Consolidation should be granted.

ISSUE B: Under current Florida and Federal Law, what is the extent of the Commission's authority to order rate center consolidation?

RECOMMENDATION: While there are no explicit legal impediments to prevent the Commission from rendering a decision on this issue in this Docket, staff recommends that the issue of whether the Commission has authority to order rate center consolidation in the State of Florida should be deferred and addressed in a separate specific docket expeditiously.

ISSUE 1: Should the Tampa Market Area be considered one rate center? If not, what rate centers should be associated with the Tampa Market Area?

RECOMMENDATION: No, the Tampa Market Area should not be considered one rate center. Staff recommends the Tampa Rate Center, located within the Tampa Market Area, should consist of the Tampa Central, Tampa North, Tampa East, Tampa South, and Tampa West rate centers. Staff also recommends that all existing customers in the 813 area code be grandfathered as described in Verizon's proposal, but with a modification. The grandfathered customers should be allowed to maintain their telephone numbers regardless of whether they change

ITEM NO.

CASE

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

(Continued from previous page)

carriers, as long as they are at the same location. In addition, all existing calling scopes should be maintained exactly in place for billing and number portability purposes, and the V+H/TPM coordinates in the existing Tampa region should be preserved. Furthermore, the ALECs should provide staff with a list of all grandfathered NXXs by October 2, 2001, to enable staff to review the effect of the modified grandfathering proposal on ALECs and customers within five years.

ISSUE 2: How would multiple rate centers impact the numbering resources in the Tampa Market Area?

RECOMMENDATION: The evidence in the record reflects that the establishment of five Tampa rate centers could cause the 813 area code to prematurely exhaust. However, if the Commission approves the modified grandfathering proposal for all NXXs, permanent local number portability for grandfathered customers, retaining the same local calling areas for all NXXs in the 813 area code (Issue 1) and a number pooling trial (Issue 4), staff believes that multiple rate centers would have minimal impact on the numbering resources for the Tampa area.

ISSUE 3: a) What effect will Verizon's changes to its RDBS and BRIDS have on other telecommunications carriers in the Tampa Market Area?

b) What effect would one or more rate centers have on telecommunications carriers in the Tampa Market Area?

RECOMMENDATION: The effects of Verizon's changes to its RDBS and BRIDS, and the effect of one or more rate centers on telecommunication carriers in the Tampa Market Area, are addressed in Issue 1.

ISSUE 4: Should a number pooling trial be implemented in the Tampa MSA? If so, when should the number pooling trial begin?

RECOMMENDATION: Yes. Staff recommends that a number pooling trial be implemented in the Tampa MSA beginning on

ITEM NO.

CASE

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

(Continued from previous page)

October 1, 2001. The pooling trial should include all uncontaminated thousands-blocks, and all contaminated blocks with less than 10% contamination pursuant to the FCC's rules and orders. All LNP-capable carriers should participate in the pooling trial.

ISSUE 5: What other number conservation measures, if any, should the Commission order in the Tampa Market Area? If so,

- a) When should these measures be implemented?
- b) How should the cost recovery be established?

RECOMMENDATION: Due to insufficient evidence in the record, staff recommends that the Commission address any further number conservation measures in Docket No. 981444-TP (Investigation into Number Conservation Measures: Number Utilization Study).

ISSUE 6: Should Verizon be ordered to implement rate center consolidation in the Tampa Market Area? If so,

- a) How many rate centers should be consolidated? and if so, how should it be implemented?
- b) When should the rate center consolidation be effective?
- c) Should Verizon be allowed to recover its costs upon consolidation of its rate centers in the Tampa Market Area? If so, how?

RECOMMENDATION: If the Commission approves staff's recommendation in Issue B, Issue 6 becomes moot.

ISSUE 7: Should Verizon be required to undo changes made prior to August 15, 2000, in its RDBS and BRIDS systems? If so, should Verizon be required to file a revised Tariff reflecting one Tampa Rate Center?

RECOMMENDATION: No. If the Commission approves staff's recommendation in Issue 1, Verizon should not be required to undo changes made prior to August 15, 2000, in its RDBS and BRIDS systems.

Minutes of
Commission Conference
July 10, 2001

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

(Continued from previous page)

ISSUE 8: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendations in Issues 1-7, this docket should be closed.

DECISION: The recommendations were approved with an exception in Issue 1 that implementation be withheld until thirty days after the date that mandatory pooling goes into effect. Further, staff was directed to take measures to expedite mandatory pooling and encourage participation by ALECs. Issue 8 was denied. The docket is to remain open until number pooling starts.

Commissioners participating: Deason, Baez, Palecki

ITEM NO.

CASE

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

Critical Date(s): None

Commissioners Assigned: JB BZ PL
Prehrg Officer JB

Staff: CMP: Logue
LEG: Fordham

ISSUE 1: Should the rates and charges contained (or not contained) in the 1997 AT&T/BellSouth Agreement apply to the BellSouth bills at issue in this Docket?

RECOMMENDATION: No. The rates and charges contained in the 1997 AT&T/BellSouth Agreement do not apply to the BellSouth bills at issue in this Docket. The relevant underlying agreement in this instant matter is the 1997 BellSouth/Supra resale agreement, effective June 1, 1997, and approved by the Commission on October 8, 1997, by Order No. PSC-97-1213-FOF-TP in Docket No. 970783-TP.

ISSUE 2: Did BellSouth bill Supra appropriately for End-User Common Line ("EUCL") charges pursuant to the BellSouth/Supra interconnection and resale agreement?

RECOMMENDATION: Yes. Pursuant to Section VII(L) of the BellSouth/Supra resale agreement, entered into by Supra on May 19, 1997 (date of signature) and effective June 1, 1997, BellSouth acted appropriately in billing Supra for EUCLs.

ISSUE 3: Did BellSouth bill Supra appropriately for changes in services, unauthorized local service changes and reconnections pursuant to the BellSouth/Supra interconnection and resale agreement?

RECOMMENDATION: Yes. BellSouth billed Supra appropriately for changes in services, unauthorized local service changes and reconnections pursuant to the parties' resale agreement.

ISSUE 4: Did BellSouth bill Supra appropriately for secondary service charges pursuant to the BellSouth/Supra interconnection and resale agreement?

Minutes of
Commission Conference
July 10, 2001

<u>ITEM NO.</u>	<u>CASE</u>
18	DOCKET NO. 001097-TP - Request for arbitration concerning complaint of BellSouth Telecommunications, Inc. against Supra Telecommunications and Information Systems, Inc. for resolution of billing disputes.

(Continued from previous page)

RECOMMENDATION: Yes. BellSouth appropriately billed Supra for secondary service charges pursuant to the parties' resale agreement.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendations, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Baez, Palecki