

MINUTES OF
 COMMISSION CONFERENCE, TUESDAY, JULY 24, 2001
 COMMENCED: 9:30 a.m.
 ADJOURNED: 3:00 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
 June 12, 2001 Regular Commission Conference

DECISION: The minutes were approved.

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

2** Consent Agenda

A) Request for approval of interconnection, unbundling, and resale agreement.

DOCKET NO.	COMPANY NAME	CRITICAL DATE
010674-TP	Progress Telecommunications Corporation; Sprint-Florida, Incorporated	08/02/01

PAA B) Request for exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls.

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ITEM NO. CASE

2** Consent Agenda

(Continued from previous page)

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
010872-TC	BellSouth Public Communications, Inc.	850-494-9392 Non-Secure Programs, Inc. 5445 Duval Street Pensacola

PAA C) Applications for certificates to provide alternative local exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010744-TX	LPGA International Communications, LLC
010739-TX	NationNet Communications Corporation

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010927-TC	@comm inc.
010764-TC	Coinucopia, Inc.
010845-TC	U S Inter/Com Inc.
010922-TC	Mark Beverley

PAA E) DOCKET NO. 010809-TI - Petition for approval of transfer of control of Single Billing Services, Inc. d/b/a Asian

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<u>ITEM NO.</u>		<u>CASE</u>
2**		Consent Agenda (Continued from previous page) American Association (holder of IXC Certificate No. 5732) from its current shareholder, New Global Telecom, Inc. to EAAA, Inc.
PAA	F)	DOCKET NO. 010822-TI - Application for approval of transfer of and name change on IXC Certificate No. 5796 from Daytona Telephone Company to Advantage Group of Florida Communications, L.L.C.
PAA	G)	DOCKET NO. 010904-TX - Notice by BroadStreet Communications, Inc. (holder of ALEC Certificate No. 7452) of reorganization of corporate structure through its parent, BroadStreet Communications, LLC, whereby a new non-jurisdictional holding company entity, BroadStreet Communications Holdings, Inc. has been formed as a wholly owned subsidiary of BroadStreet Communications, LLC and as direct parent of BroadStreet Communications, Inc.

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

DECISION: The recommendation was approved.

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

ITEM NO.

CASE

3 DOCKET NO. 010704-SU - Petition for declaratory statement as to whether service availability agreement with United Water Florida Inc. requires prior Commission approval as "special service availability contract" and whether contract is acceptable to Commission, by St. Johns County.

Critical Date(s): 8/6/01 (By statute order must be issued by this date.)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: APP: Cibula, Moore
ECR: Kyle, Merchant

(Parties may participate at the Commission's discretion.)

ISSUE 1: Should the Commission grant St. Johns County's Motion for Expedited Ruling?

RECOMMENDATION: Yes.

ISSUE 2: Should the Commission issue a declaratory statement as to whether the facts set forth in St. Johns County's petition constitute a special service availability contract and, if so, whether the contract complies with the Commission's rules and orders?

RECOMMENDATION: No. The Commission should deny St. Johns County's petition to issue a declaratory statement.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission votes to dispose of the petition for declaratory statement, the docket should be closed.

DECISION: The recommendations were approved. Issue 2 was approved without prejudice to the County to refile. Additionally, staff was directed to meet with the parties as soon as possible in an attempt to mediate a settlement.

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

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4 DOCKET NO. 010650-TX - Petition for declaratory statement by Level 3 Communications, LLC, that collocation revenues reported by Level 3 should not be included as "gross operating revenues derived from intrastate business" as contemplated by Rule 25-4.0161, F.A.C., and Sections 350.113(3)(b) and 364.336, F.S., for purposes of calculating regulatory assessment fee for calendar year 1999.

Critical Date(s): 8/13/01 (Order must be issued by this date.)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: APP: Brown
CMP: Cater
RGO: Vandiver

(Parties may participate at the Commission's discretion.)

ISSUE 1: Should the Commission issue a declaratory statement that Level 3 is not required to pay regulatory assessment fees on the revenues it receives from collocation in its Florida facilities?

RECOMMENDATION: No. The Commission should issue a declaratory statement that Level 3 is required to pay regulatory assessment fees on the revenues it receives from collocation in its Florida facilities.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission votes to dispose of the petition for declaratory statement, the docket should be closed.

DECISION: The recommendations were approved.

Commissioner Jaber dissented.

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

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ITEM NO.

CASE

5**PAA

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

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Brown, Casey
LEG: Fordham

ISSUE 1: Should the Commission overturn NeuStar's decision to deny 2,000 numbers for the Cypress (FTLDFLCYDS0) switch in the Ft. Lauderdale rate center, and 1,200 numbers for the Clay Street (JCVLFLCLDS0) switch in the Jacksonville rate center?

RECOMMENDATION: Yes. The Commission should overturn NeuStar's decision to deny the requested numbers, and direct NeuStar to provide BellSouth with 2,000 numbers for the Cypress (FTLDFLCYDS0) switch in the Ft. Lauderdale rate center, and 1,200 numbers for the Clay Street (JCVLFLCLDS0) switch in the Jacksonville rate center as soon as possible.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest 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: Jacobs, Deason, Jaber, Baez, Palecki

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CASE

5A**PAA

DOCKET NO. 010973-TL - Petition for emergency temporary waiver of Rules 25-4.066(2) and (3); 25-4.070(3)(a), (3)(b), and (5); 25-4.073(1)(a), (1)(c), and (1)(d); 25-4.0770(2); 25-4.040(5); and 25-4.111, F.A.C., by BellSouth Telecommunications, Inc.

Critical Date(s): 8/4/01

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Moses, Kennedy
LEG: Banks

ISSUE 1: Should the Commission approve BellSouth's Petition for a temporary and emergency waiver of Rules 25-4.066(2) and (3), Florida Administrative Code?

RECOMMENDATION: Yes. Staff recommends that the Commission should approve BellSouth's Petition for a temporary and emergency waiver of Rules 25-4.066(2) and (3), Florida Administrative Code, for a period beginning ~~August 4, 2001~~ when BellSouth notifies the Commission of the work stoppage, and ending ~~the day BellSouth and CWA sign a work agreement at a time mutually agreed to by BellSouth and staff~~. BellSouth should file notice of any work stoppage with the Division of the Commission Clerk and Administrative Services no later than ~~Friday, August 3, 2001~~ the first business day after the work stoppage. BellSouth should also be ordered to file a notification with the Commission that the work agreement is signed within 24 hours after the signing.

ISSUE 2: Should the Commission approve BellSouth's Petition for a temporary and emergency waiver of Rules 25-4.070(3)(a), (3)(b), and (5), Florida Administrative Code?

RECOMMENDATION: Yes. Staff recommends that the Commission should approve BellSouth's Petition for a temporary and emergency waiver of Rules 25-4.070(3)(a), (3)(b), and (5), Florida Administrative Code, for a period beginning August 4, 2001, and ending the day BellSouth and CWA sign a work agreement. BellSouth should file notice of any work stoppage with the Division

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DOCKET NO. 010973-TL - Petition for emergency temporary waiver of Rules 25-4.066(2) and (3); 25-4.070(3)(a), (3)(b), and (5); 25-4.073(1)(a), (1)(c), and (1)(d); 25-4.0770(2); 25-4.040(5); and 25-4.111, F.A.C., by BellSouth Telecommunications, Inc.

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of the Commission Clerk and Administrative Services no later than Friday, August 3, 2001. BellSouth should also be ordered to file a notification with the Commission that the work agreement is signed within 24 hours after the signing.

ISSUE 3: Should the Commission approve BellSouth's Petition for a temporary and emergency waiver of Rule 25-4.073(1)(a), (1)(c), and (1)(d), Florida Administrative Code?

RECOMMENDATION: Yes. Staff recommends that the Commission approve BellSouth's Petition for a temporary and emergency waiver of Rules 25-4.073(1)(a), (1)(c) and (1)(d), Florida Administrative Code, for a period beginning August 4, 2001, and ending the day BellSouth and CWA sign a work agreement. BellSouth should file notice of any work stoppage with the Division of the Commission Clerk and Administrative Services no later than Friday, August 3, 2001. BellSouth should also be ordered to file a notification with the Commission that the work agreement is signed within 24 hours after the signing.

ISSUE 4: Should the Commission approve BellSouth's Petition for a temporary and emergency waiver of Rule 25-4.0770(2), Florida Administrative Code?

RECOMMENDATION: Yes. Staff recommends that the Commission should approve BellSouth's Petition for a temporary and emergency waiver of Rule 25-4.0770(2) for the period beginning August 4, 2001, and ending the day BellSouth and the CWA sign a work agreement. BellSouth should file notice of any work stoppage with the Division of the Commission Clerk and Administrative Services no later than Friday, August 3, 2001. BellSouth should also be ordered to file a notification with the Commission that the work agreement is signed within 24 hours after the signing.

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5A**PAA

DOCKET NO. 010973-TL - Petition for emergency temporary waiver of Rules 25-4.066(2) and (3); 25-4.070(3)(a), (3)(b), and (5); 25-4.073(1)(a), (1)(c), and (1)(d); 25-4.0770(2); 25-4.040(5); and 25-4.111, F.A.C., by BellSouth Telecommunications, Inc.

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ISSUE 5: Should the Commission approve BellSouth's Petition for a temporary and emergency waiver of Rule 25-4.040(5), Florida Administrative Code?

RECOMMENDATION: Yes. Staff recommends that the Commission should approve BellSouth's Petition for a temporary and emergency waiver of Rule 25-4.040(5), Florida Administrative Code, exclusive of the requirement to maintain listings for "Poison Information Center", for the period beginning August 4, 2001, and ending the day BellSouth and the CWA sign a work agreement. BellSouth should file notice of any work stoppage with the Division of the Commission Clerk and Administrative Services no later than Friday, August 3, 2001. BellSouth should also be ordered to file a notification with the Commission that the work agreement is signed within 24 hours after the signing.

ISSUE 6: Should the Commission approve BellSouth's Petition for a temporary and emergency waiver of Rule 25-4.111, Florida Administrative Code?

RECOMMENDATION: Staff recommends that the Commission should limit its approval to Section (1) of Rule 25-4.111, Florida Administrative Code, of BellSouth's Petition for a temporary and emergency waiver of Rule 25-4.111, Florida Administrative Code, for the period beginning August 4, 2001, and ending the day BellSouth and the CWA sign a work agreement. BellSouth should be ordered to resolve all backlogged complaints, if any, within 15 days after an agreement is reached between BellSouth and the CWA. BellSouth should file notice of any work stoppage with the Division of the Commission Clerk and Administrative Services no later than Friday, August 3, 2001. BellSouth should also be ordered to file a notification with the Commission that the work agreement is signed within 24 hours after the signing.

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5A**PAA

DOCKET NO. 010973-TL - Petition for emergency temporary waiver of Rules 25-4.066(2) and (3); 25-4.070(3)(a), (3)(b), and (5); 25-4.073(1)(a), (1)(c), and (1)(d); 25-4.0770(2); 25-4.040(5); and 25-4.111, F.A.C., by BellSouth Telecommunications, Inc.

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ISSUE 7: Should the Commission order BellSouth to publicize, through radio, television, and newspaper advertisements, the potential of delays in service and support to customers, if there is a work stoppage by the CWA?

RECOMMENDATION: Yes. Staff recommends that the Commission should order BellSouth to publicize, through radio, television, and newspaper advertisements, the potential of delays in service and support to customers, if there is a work stoppage by the CWA. BellSouth should prepare announcements in advance and immediately release the prepared announcements if a work stoppage occurs.

ISSUE 8: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendations are approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of the issuance of the Order, the Commission's decision shall be final and effective upon issuance of the consummating order. This docket shall remain open pending notification that an agreement has been reached by BellSouth and the CWA. Thereafter, this docket shall be closed administratively if no further action from the Commission is required.

DECISION: The recommendations were approved with noted modifications to Issue 1. Issues 2 through 6 were modified consistent with the modification to Issue 1.

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

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ITEM NO.

CASE

6**PAA

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

DOCKET NO. 010516-TC - Payphone Connection Inc.

DOCKET NO. 010517-TC - Jay Gottlieb

DOCKET NO. 010531-TC - NorthStar Telecommunications, Inc.

DOCKET NO. 010544-TC - Parallel Foundation, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehrg Officer ADM

Staff: CMP: Isler

LEG: K. Pena, B. Keating, Elliott

ISSUE 1: Should the Commission impose a \$1,000 fine or cancel the certificates issued to the companies listed on page 6 of staff's July 12, 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 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.

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6**PAA

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

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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

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7**PAA

DOCKET NO. 010458-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 4315 issued to David William Stanyon d/b/a Quality Phone Service of Florida 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: K. Pena, B. Keating

ISSUE 1: Should the Commission impose a \$500 fine or cancel David William Stanyon d/b/a Quality Phone Service of Florida's certificate 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 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. 4315 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.

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7**PAA

DOCKET NO. 010458-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 4315 issued to David William Stanyon d/b/a Quality Phone Service of Florida for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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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 September 4, 2001 conference.

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8**PAA

DOCKET NO. 010514-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5570 issued to Quick Silver Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

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 Quick Silver Communications, Inc.'s certificate 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 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, Certificate No. 5570 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.

ISSUE 2: Should the Commission impose a \$500 fine or cancel Quick Silver Communications, Inc.'s certificate for apparent violation of Rule 25-24.520, Florida Administrative Code, Reporting Requirements?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the

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DOCKET NO. 010514-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5570 issued to Quick Silver Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

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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, Certificate No. 5570 should be canceled administratively.

ISSUE 3: 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 fines, fees, and required information or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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9**PAA

DOCKET NO. 010537-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5914 issued to Kiss & Kis's, 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: Elliott

ISSUE 1: Should the Commission impose a \$500 fine or cancel Kiss & Kis's, Inc.'s certificate 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 the company's certificate if the fine and 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 statutory penalty and interest charges are not received, the company's Certificate No. 5914 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.

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.

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9**PAA

DOCKET NO. 010537-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5914 issued to Kiss & Kis's, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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DECISION: The recommendations were approved.

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

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ITEM NO.

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10**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. 010502-TC - Miami Pay Phones Services, Inc.
DOCKET NO. 010510-TC - Clyde A. Edwards
DOCKET NO. 010515-TC - F.D.L. Installation, Inc.
DOCKET NO. 010524-TC - Stanley F. Laird
DOCKET NO. 010525-TC - Northstar Petroleum, Inc.
DOCKET NO. 010529-TC - West Michigan Pay-Tel Inc.
DOCKET NO. 010532-TC - FerrTell, Inc.
DOCKET NO. 010541-TC - Robert Scott Pribble

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

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

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on page 6 of staff's July 12, 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 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

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10**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.

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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

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11**

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. 010509-TC - Mr. James G. Donker and Tammy R. Donker d/b/a Don-Tel

DOCKET NO. 010523-TC - Arrow Communications, Inc.

DOCKET NO. 010526-TC - Danny Herring

DOCKET NO. 010528-TC - Marcus F. Roedel d/b/a R&R Holdings

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler

LEG: Elliott, Banks, K. Pena, B. Keating

ISSUE 1: Should the Commission grant the companies listed on page 4 of staff's July 12, 2001 memorandum a voluntary cancellation of their respective certificates?
RECOMMENDATION: Yes. The Commission should grant each company a voluntary cancellation of its telecommunications certificate with an effective date as listed on page 4.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, these dockets should be closed.

DECISION: The recommendations were approved.

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

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12**PAA

DOCKET NO. 010499-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5378 issued to Gregory A. Philip d/b/a GAPTEL 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: Elliott

ISSUE 1: Should the Commission grant Gregory A. Philip d/b/a GAPTEL a voluntary cancellation of Certificate No. 5378?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 5378 on its own motion, effective May 3, 2001. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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 issuance of the Proposed Agency Action Order. The docket should then be closed upon receipt of the fees or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
13**PAA	<p>DOCKET NO. 010511-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5476 issued to Nancy Lynn Perry for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: Isler LEG: K. Pena, B. Keating</p> <p><u>ISSUE 1</u>: Should the Commission grant Nancy Lynn Perry a voluntary cancellation of Certificate No. 5476? <u>RECOMMENDATION</u>: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 5476 on its own motion, effective April 26, 2001.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: 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 issuance of the Proposed Agency Action Order. The docket should then be closed upon cancellation of the certificate.</p> <p><u>DECISION</u>: This item was deferred to the September 4, 2001 conference.</p>

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ITEM NO.

CASE

14**

DOCKET NO. 010479-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 4585 issued to Dave & Buster's, 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: Elliott

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

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 4585 should be canceled administratively.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$200 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

15**

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

DOCKET NO. 010446-TC - Michael Einstein d/b/a Diversified Voice

DOCKET NO. 010457-TC - I P P S of Orlando, Inc.

DOCKET NO. 010513-TC - AmeriCall, Inc.

DOCKET NO. 010538-TC - Ameri Coin Communications, Inc.

DOCKET NO. 010539-TC - Supra Telecommunications and Information Systems, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

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

ISSUE 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 of staff's July 12, 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.

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<u>ITEM NO.</u>	<u>CASE</u>
15	Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

(Continued from previous page)

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.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

16**

DOCKET NO. 010373-EI - Petition for approval to provide optional Premier Power Service Rider, Rate Schedule PPS-1, for general service customers by Florida Power Corporation.

Critical Date(s): (60-day suspension date waived by company)
11/30/01 (8-month effective date)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: E. Draper, Springer, Wheeler
LEG: C. Keating

ISSUE 1: Should the Commission approve FPC's proposed PPS-1 rate?

RECOMMENDATION: Yes. The proposed PPS-1 rate should be approved.

ISSUE 2: What is the appropriate effective date for FPC's proposed PPS-1 tariff?

RECOMMENDATION: The appropriate effective date for FPC's proposed PPS-1 tariff is July 24, 2001.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If no protest is filed 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: Jacobs, Deason, Jaber, Baez, Palecki

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ITEM NO.

CASE

17**

DOCKET NO. 010126-TX - Initiation of show cause proceedings against Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: B. Keating
CMP: K. Craig

ISSUE 1: Should the Commission accept the settlement offer proposed by Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida (Cellular One) to resolve the show cause proceedings for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. Staff recommends that the Commission accept Cellular One's settlement proposal of a \$3,500 voluntary contribution and assurance that the company will implement measures to ensure future compliance. The voluntary contribution should be received by the Commission within ten business days of the issuance date of the Order approving the settlement offer and should include the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 5181 should be canceled administratively.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation on Issue 1, this docket should remain open pending the remittance of the \$3,500 voluntary contribution. Upon staff's verification of receipt of the voluntary contribution, or failure to pay the contribution and subsequent cancellation of Certificate No. 5181, this docket should be administratively closed.

DECISION: The recommendations were approved.

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<u>ITEM NO.</u>	<u>CASE</u>
17	DOCKET NO. 010126-TX - Initiation of show cause proceedings against Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida for apparent violation of Section 364.183(1), F.S., Access to Company Records.

(Continued from previous page)

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

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ITEM NO.

CASE

18**

DOCKET NO. 000482-TC - Initiation of show cause proceedings against Maria E. Delgado d/b/a Global Communication 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: W. Knight
CMP: M. Watts

ISSUE 1: Should the Commission accept the settlement offer proposed by Maria E. Delgado d/b/a Global Communication to resolve the apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: No. The Commission should not accept the company's settlement proposal. Records indicate that the company did not respond to the Commission for more than two months, instead of within 15 days as required by Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, and staff believes that the company's proposal of \$250 is insufficient.

ISSUE 2: Should the Commission deny Maria E. Delgado d/b/a Global Communication a hearing in this docket based on its April 30, 2001, and May 29, 2001, responses to Order No. PSC-01-1016-PCO-TC, dated April 24, 2001, and cancel Certificate No. 3874?

RECOMMENDATION: Yes. The Commission should deny the company a hearing in this docket based on its April 30, 2001, and May 29, 2001, responses to Order No. PSC-01-1016-PCO-TC, dated April 24, 2001, and should cancel Certificate No. 3874.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If staff's recommendations are approved, this docket should be closed and PATS Certificate No. 3874 should be canceled.

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ITEM NO.

CASE

18**

DOCKET NO. 000482-TC - Initiation of show cause proceedings against Maria E. Delgado d/b/a Global Communication for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

(Continued from previous page)

DECISION: The recommendations were approved. Additionally, staff will work with Ms. Delgado on acceptance of a \$1,000 settlement.

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

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ITEM NO.

CASE

19**

DOCKET NO. 010565-TL - Petition for expedited review of the North American Numbering Plan Administration's (NANPA) decision to deny BellSouth's request for use of central office code numbering resources or NXX codes in Orlando exchange or rate center, by BellSouth Telecommunications, Inc.

Critical Date(s): 8/13/01

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Fordham
CMP: Brown, Casey

ISSUE 1: Should BellSouth's Motion to Dismiss Mr. Emmanuel Arvanitas' Protest be granted?

RECOMMENDATION: Yes. BellSouth's Motion to Dismiss Mr. Emmanuel Arvanitas' Protest should be granted, and Order No. PSC-01-1312-PAA-TL should be made final and effective as of the date of the vote on this recommendation, and the NXX codes issued by NANPA should be released to BellSouth for customer assignment.

ISSUE 2: Should the pleading filed July 16, 2001, by Emmanuel Arvanitas and Peggy Arvanitas be considered in the disposition of this matter?

RECOMMENDATION: No. The pleading filed July 16, 2001, by Emmanuel Arvanitas and Peggy Arvanitas should not be considered in the disposition of this matter.

ISSUE 3: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

20**

DOCKET NO. 010887-WS - Application for approval of merger of Utilities, Inc. and Nuon Acquisition Sub, Inc., an Illinois corporation, and for determination of Commission's jurisdiction of such merger.

Critical Date(s): 7/25/01 (30-day statutory deadline for ruling on Emergency Petition for Variance)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Harris
RGO: Brady

ISSUE 1: Is the proposed merger between Utilities, Inc. and Nuon Acquisition Sub, Inc. subject to the Commission's jurisdiction, requiring the Commission's approval?

RECOMMENDATION: Yes. The proposed merger is subject to the Commission's jurisdiction and Utilities, Inc. should have to proceed with an Application for Transfer of Majority Organizational Control pursuant to Section 367.071, Florida Statutes.

PAA

ISSUE 2: Should Utilities, Inc.'s request for an emergency temporary variance or waiver from Rules 25-30.030(4)(c), 25-30.030(5), (6), and (7), and 25-30.037(3)(i), (j), and (k) Florida Administrative Code, be granted?

RECOMMENDATION: Yes. Utilities, Inc.'s request for an emergency temporary variance from Rules 25-30.030(4)(c), 25-30.030(5), (6), and (7), and 25-30.037(i),(j) and (k), Florida Administrative Code, should be granted.

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ITEM NO.

CASE

20**

DOCKET NO. 010887-WS - Application for approval of merger of Utilities, Inc. and Nuon Acquisition Sub, Inc., an Illinois corporation, and for determination of Commission's jurisdiction of such merger.

(Continued from previous page)

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If the Commission accepts staff's recommendation on Issue 1, the docket should remain open to dispose of Utilities, Inc.'s Application for Approval of Merger. If the Commission accepts staff's recommendation on Issue 2, the order granting the emergency waiver or variance will be final and effective upon the 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 portion of the order.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

21**

DOCKET NO. 001501-WS - Application for authority to transfer facilities and Certificate Nos. 338-W and 294-S in Brevard County from Connecticut General Development Corporation d/b/a CGD Utilities to Burkim Enterprises, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer BZ

Staff: RGO: Johnson, Redemann
ECR: Hicks
LEG: Crosby, Gervasi

ISSUE 1: Should the transfer of the water and wastewater facilities and Certificate Nos. 338-W and 294-S from CGD to Burkim Enterprises, Inc. be approved?

RECOMMENDATION: Yes. The transfer of the water and wastewater facilities and Certificate Nos. 338-W and 294-S from CGD to Burkim Enterprises, Inc. is in the public interest and should be approved. The utility is current on its RAFs through December 31, 2000 and has filed an annual report for 2000 and all prior years. Burkim should be put on notice that it is required to maintain the utility's books and records in conformance with NARUC USOA as prescribed by Rule 25-30.115, Florida Administrative Code. Burkim should be required to bring its accounts and records into conformance with the NARUC USOA in accordance with Rule 25-30.115, Florida Administrative Code, and to submit a statement from its accountant with its next annual report indicating that it has done so. If the utility remains out of compliance, a show cause issue will be brought to the Commission for disposition. A description of the territory served by the utility is appended to staff's July 12, 2001 memorandum as Attachment A.

ISSUE 2: Should Burkim adopt and use the rates and charges approved by this Commission for CGD?

RECOMMENDATION: Yes. Burkim should continue charging the rates and charges approved for this utility system until authorized to change by the Commission in a

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ITEM NO.

CASE

21

DOCKET NO. 001501-WS - Application for authority to transfer facilities and Certificate Nos. 338-W and 294-S in Brevard County from Connecticut General Development Corporation d/b/a CGD Utilities to Burkim Enterprises, Inc.

(Continued from previous page)

subsequent proceeding. The tariff reflecting the change in ownership should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

22 DOCKET NO. 010396-WS - Application for staff-assisted rate case in Brevard County by Burkim Enterprises, Inc.

Critical Date(s): 8/1/2001 (60-day filing date)
9/1/2002 (15-month effective date)

Commissioners Assigned: Full Commission
Prehrg Officer JB

Staff: ECR: Fitch, Merta, Rendell
LEG: Espinoza

(Participation is limited to Commissioners and staff.)

ISSUE 1: What is the appropriate amount of test year revenues and operation & maintenance (O&M) expense for interim rate setting purposes?

RECOMMENDATION: The appropriate amount of revenues are \$74,981 for water and \$46,170 for wastewater and the appropriate amount of O&M expenses are \$70,180 for water and \$92,459 for wastewater, for interim rate setting purposes.

ISSUE 2: Should the utility be allowed to recover RAFs through interim rates, and if so, what is the appropriate amount of RAFs for interim purposes?

RECOMMENDATION: Yes, the utility should be allowed to recover RAFs through interim rates. The appropriate amount of RAFs for interim purposes is \$3,307 for water and \$4,357 for wastewater.

ISSUE 3: Should the utility's request for interim rates under Section 367.0814(4), Florida Statutes, be approved, and if so, what is the appropriate revenue requirement and what are the appropriate rates?

RECOMMENDATION: The utility should be granted interim rates pursuant to Section 367.0814(4), Florida Statutes, for the wastewater system only. The utility should be denied interim rates for the water system. Interim rates should be designed to generate annual revenues of \$96,816 for the wastewater system. The interim rates should not be implemented if the Commission does not approve the transfer of the utility system to Burkim (Docket No. 001501-WS). The approved rates should be effective for service rendered on or after the stamped approval date on

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<u>ITEM NO.</u>	<u>CASE</u>
22	<p>DOCKET NO. 010396-WS - Application for staff-assisted rate case in Brevard County by Burkim Enterprises, Inc.</p> <p>(Continued from previous page)</p> <p>the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code, provided the customers have received notice. The rates should not be implemented until proper notice has been received by the customers. The utility should provide proof to staff of the date notice was given within 10 days after the date of notice. The appropriate revenue requirement and rates are reflected in the analysis portion of staff's July 12, 2001 memorandum.</p> <p><u>ISSUE 4</u>: What is the appropriate security to guarantee the interim increase?</p> <p><u>RECOMMENDATION</u>: The utility should be required to file a bond, letter of credit, or escrow agreement as security to guarantee any potential refunds of revenues collected under interim conditions. Pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility shall provide a report by the 20th of each month indicating the monthly and total revenue collected subject to refund.</p> <p><u>ISSUE 5</u>: Should this docket be closed?</p> <p><u>RECOMMENDATION</u>: No. This docket should remain open to process the utility's staff-assisted rate case.</p>

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

23**

DOCKET NO. 000793-WS - Application for transfer of facilities and Certificates Nos. 484-W and 421-S in Pasco County from Bartelt Enterprises, Inc. to Utilities, Inc. of Florida, holder of Certificates Nos. 107-W and 229-S; for amendment of Certificates Nos. 107-W and 229-S; and for cancellation of Certificates Nos. 484-W and 421-S.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JB

Staff: RGO: Clapp, Walden
LEG: Crosby, Gervasi

ISSUE 1: Should the transfer of facilities from Bartelt Enterprises, Inc. to Utilities, Inc. of Florida, the amendment of Water Certificate No. 107-W and Wastewater Certificate No. 229-S, and the cancellation of Water Certificate No. 484-W and Wastewater Certificate No. 421-S be approved?

RECOMMENDATION: Yes, the transfer of facilities from Bartelt Enterprises, Inc. to Utilities, Inc. of Florida, the amendment of Water Certificate No. 107-W and Wastewater Certificate No. 229-S, and the cancellation of Water Certificate No. 484-W and Wastewater Certificate No. 421-S should be approved.

PAA ISSUE 2: What is the rate base of Bartelt at the time of transfer?

RECOMMENDATION: The rate base, which for transfer purposes reflects the net book value for the utility, is \$160,494 (\$68,604 for the Sunshine water system, \$3,446 for the Wis-Bar water system, and \$88,444 for the Wis-Bar wastewater system) as of June 15, 2000.

PAA ISSUE 3: Should an acquisition adjustment be approved?

RECOMMENDATION: No. An acquisition adjustment was not requested; therefore, an acquisition adjustment should not be included in the calculation of rate base for transfer purposes.

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CASE

23**

DOCKET NO. 000793-WS - Application for transfer of facilities and Certificates Nos. 484-W and 421-S in Pasco County from Bartelt Enterprises, Inc. to Utilities, Inc. of Florida, holder of Certificates Nos. 107-W and 229-S; for amendment of Certificates Nos. 107-W and 229-S; and for cancellation of Certificates Nos. 484-W and 421-S.

(Continued from previous page)

ISSUE 4: Should Utilities, Inc. continue to charge the rates and charges approved by this Commission for Bartelt?

RECOMMENDATION: Yes. Utilities, Inc. should continue charging the rates and charges approved for Bartelt. The tariff should be effective for services provided or connections made on or after the stamped approval date, in accordance with Rule 25-30.475, Florida Administrative Code.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: Yes. Since no further action is necessary, if no timely protest is filed to the proposed agency action issues, upon expiration of the protest period, the Order should become final and effective upon the issuance of a Consummating Order and the docket should be closed administratively.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

24**PAA

DOCKET NO. 010821-EQ - Joint petition for approval of third amendment to agreement for purchase of firm capacity and energy between Indiantown Cogeneration, L.P. and Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: SER: Haff, Bohrmann
LEG: Hart

ISSUE 1: Should the Commission approve the joint Florida Power & Light Company (FPL) / Indiantown Cogeneration, L.P. (ICL) petition for approval of the Third Amendment to their Power Purchase Agreement?

RECOMMENDATION: Yes. The Third Amendment is cost-effective to FPL's ratepayers and resolves pending litigation between the Parties regarding their respective rights under the Power Purchase Agreement.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest 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: Jacobs, Deason, Jaber, Baez, Palecki

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ITEM NO.

CASE

25 DOCKET NO. 991378-TL - Initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards.

Critical Date(s): None

Commissioners Assigned: JC BZ PL
Prehrg Officer BZ

Staff: LEG: B. Keating, W. Knight
CMP: Buys, Trubelhorn

ISSUE 1: Should the Commission approve the Stipulation and Settlement By and Between the Office of Public Counsel and BellSouth Telecommunications, Inc. (Stipulation and Settlement) to resolve the apparent violations of service standards Rules 25-4.0185(3)(a), and 25-4.073(1)(d), Florida Administrative Code, during the years 1996 through 1999?

RECOMMENDATION: Yes. The Commission should approve the Stipulation and Settlement in its entirety. The Stipulation and Settlement should become effective on the day following the vote of the Commission approving the Stipulation and Settlement.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon the issuance of the Final Order.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Baez, Palecki

