

MINUTES OF JUNE 1, 2004
COMMISSION CONFERENCE
COMMENCED: 9:35 a.m.
ADJOURNED: 10:40 a.m.

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

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

1 Approval of Minutes

May 3, 2004 Regular Commission Conference
May 3, 2004 Special Commission Conference

DECISION: The minutes were approved.

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

ITEM NO. CASE

2**Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
040332-TX	K. Kessler Inc.
040385-TX	Payless Telephone Company LLC

PAA B) Requests for cancellation of competitive local exchange telecommunications certificates.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
040378-TX	Cable & Wireless USA, Inc.	1/13/2004
040325-TX	C2C Fiber of Florida, Inc.	2/9/2004
040328-TX	Calpoint (Florida), LLC	4/13/2004

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
040389-TC	Clear Net Communications Inc. d/b/a Clear Net Communications
040366-TC	Wanis Inc.

PAA D) Request for cancellation of an alternative access vendor certificate.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
040376-TA	Cable & Wireless USA, Inc.	1/13/2004

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

DECISION: The recommendation was approved.

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

ITEM NO.

CASE

3**PAADocket No. 991222-TP - Request for submission of proposals for relay service, beginning in June 2000, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: CMP: Moses, Casey

GCL: Rojas

Issue 1: Should the Commission approve FTRI's proposed budget for the fiscal year 2004-2005 effective July 1, 2004?

Recommendation: No. The budget should not be approved as proposed by FTRI. Staff recommends that the Commission approve the budget as amended in Attachment A of its May 20, 2004 memorandum effective July, 2004, and that the TASA surcharge be increased from \$.13 to \$.15. Additionally, the local exchange companies, competitive local exchange companies, and shared tenant providers should be ordered to assess the \$.15 surcharge effective July 1, 2004.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should not be closed. If the Commission approves staff's recommendation in Issue 1, the result will be a Proposed Agency Action Order, which will become final upon issuance of a Consummating Order, if no person whose substantial interests are affected timely files a protest.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

4**Docket No. 040246-WS - Proposed adoption of Rule 25-30.457, F.A.C., Limited
Alternative Rate Increase.

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: All Commissioners
Prehearing Officer: Davidson

Staff: GCL: Moore, Jaeger
ECR: Hewitt, Rendell, Willis

Issue 1: Should the Commission propose a new rule, Rule 25-30.457, Florida
Administrative Code, establishing a streamlined procedure for small utilities to obtain
limited rate relief?

Recommendation: Yes.

Issue 2: Should this docket be closed?

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

DECISION: This item was deferred.

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ITEM NO.

CASE

5**Docket No. 040269-TP - Proposed adoption of Rule 25-22.0365, F.A.C., Expedited Hearing.

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Davidson

Staff: GCL: Stern

CMP: Wright, Bulecza-Banks

Issue 1: Should the Commission propose new Rule 25-22.0365, Florida Administrative Code, Expedited Dispute Resolution Process for Telecommunications Companies?

Recommendation: Yes. The Commission should propose the rule because it is required by Section 364.058(3), Florida Statutes.

Issue 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

6Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Baez

Staff: GCL: Jaeger, Vining

ECR: Merchant, Fletcher, Willis

Issue 1: What is the proper disposition of OPC's Motion to Dismiss Aloha's Petition for Formal Administrative Hearing for Aloha's purported failure to follow rules of procedure, and Aloha's Motion to Strike OPC's Motion to Dismiss?

Recommendation: Aloha's Motion to Strike OPC's Motion to Dismiss should be denied. OPC's Motion to Dismiss should also be denied.

DECISION: The recommendation was approved.

Issue 2: Should the Commission grant Aloha Utilities, Inc.'s Petition for Formal Administrative Hearing?

Primary Staff Recommendation: Because there appear to be no disputed issues of material fact, Aloha's request for a formal administrative hearing should be denied. Instead, the Commission should grant an informal administrative hearing in accordance with Section 120.57(2), Florida Statutes, and require briefs on the legal issues within 30 days of the Commission's vote.

DECISION: The recommendation was approved.

Alternate Staff Recommendation: If the Commission agrees that the actual difference between what was collected under interim rates and what would have been collected under final rates is a material fact, or that Issue E, concerning whether there has been a change in policy involves a disputed issue of material fact, the Commission should initiate a formal proceeding in accordance with Section 120.57(1), Florida Statutes. If the parties subsequently stipulate to the disputed issues of material fact, the formal proceeding should be converted to an informal proceeding conducted in accordance with Section 120.57(2), Florida Statutes.

DECISION: The recommendation was denied.

ITEM NO.

CASE

6

Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

(Continued from previous page)

Issue 3: Should the Commission grant Aloha Utilities, Inc.'s request that its Petition for Formal Administrative Hearing be transferred to DOAH?

Recommendation: No. This matter is infused with public policy considerations and the need for the special expertise of the Commission. Therefore, the Commission should deny Aloha's request to transfer this matter to DOAH.

DECISION: Due to the decision in Issue 2, this issue is moot.

Issue 4: Should this docket be closed?

Recommendation: No. This docket should remain open for the Commission to conduct a formal proceeding if the Commission determines there are disputed issues of material fact, and for an informal hearing if it is determined that there are no disputed issues of material fact. Also, Aloha has not yet made the improvements required by Order No. PSC-02-0593-FOF-WU.

DECISION: The recommendation was approved.

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

ITEM NO.

CASE

7**Docket No. 040248-WU - Initiation of show cause proceedings against Kincaid Hills Water Company in Alachua County for violation of Rule 25-30.110, F.A.C., Records and Reports; Annual Reports, and Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: GCL: Rodan
ECR: Kaproth

Issue 1: Should Kincaid be ordered to show cause, in writing, within 21 days, why it should not be fined for failure to remit its regulatory assessment fees (RAFs) as required by Section 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code?
Recommendation: No. A show cause proceeding should not be initiated. Staff recommends that Kincaid's proposed payment plan for past due regulatory assessment fees and associated penalties and interest be approved, as outlined in the analysis portion of staff's May 20, 2004 memorandum. The first payment should be received by June 20, 2004, and all subsequent payments should be due on the twentieth day of each month. If Kincaid fails to make a monthly payment by the twentieth day of the month, staff will return to the Commission for further enforcement of the payment plan, such as placement of a lien on the utility's real and personal property.

Issue 2: Should Kincaid be ordered to show cause, in writing, within 21 days, why it should not be fined for failure to file annual reports by the dates due as required by Rule 25-30.110, Florida Administrative Code?

Recommendation: No. A show cause proceeding should not be initiated. Staff recommends that the penalties calculated according to Rule 25-30.110(7), Florida Administrative Code, for delinquent annual reports should not be assessed.

Issue 3: Should this docket be closed?

Recommendation: Yes. This docket should be closed. If Kincaid does not make a payment in accordance with the payment schedule addressed in Issue 1, staff will return to the Commission for further enforcement of the payment plan.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

8**Docket No. 031125-TP - Complaint against BellSouth Telecommunications, Inc. for alleged overbilling and discontinuance of service, and petition for emergency order restoring service, by IDS Telecom LLC.

Critical Date(s): None

Commissioners Assigned: ~~All Commissioners~~ **Deason, Jaber, Davidson**
Prehearing Officer: Deason

Staff: GCL: Christensen
CMP: Barrett

Issue 1: Should the Commission grant BellSouth's Motion for Leave to Amend Answer to Assert Counterclaim?

Recommendation: Yes. Staff recommends that BellSouth be granted Leave to Amend its Answer in part. Specifically, BellSouth should be allowed to proceed on Counts I (DUF charges) and II (Market-based Rates) of its Counterclaim. BellSouth should not be allowed to Amend its Answer to include Counts III (Escrow account) and IV (Deposit) of its Counterclaim.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending further proceedings.

DECISION: The recommendations were approved, acknowledging in Issue 1 the withdrawal of Count IV by BellSouth, thus making staff's recommendation on Count IV moot.

Commissioners participating: Deason, Jaber, Davidson

ITEM NO.

CASE

9**Docket No. 000733-TL - Investigation to determine whether BellSouth Telecommunications, Inc.'s tariff filing to restructure its late payment charge is in violation of Section 364.051, F.S.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Jaber

Staff: CMP: Simmons, Pruitt, Casey, C. Williams

GCL: Susac

Issue 1: Should the Commission approve the Joint Motion filed by OPC and BellSouth to authorize the use of unclaimed refunds in this docket for the promotion of Lifeline and Link-Up programs?

Recommendation: Yes. Staff recommends that the Commission approve the Joint Motion and authorize the use of \$2,799,515.11 in the form of a corporate undertaking for the Lifeline and Link-Up programs, subject to the reporting requirements specified in Issue 3.

Issue 2: Should the Commission dispose of the \$1,763,835.88 in outstanding drafts at this time?

Recommendation: No. Staff recommends deferring a decision determining the appropriate disposition of these funds. The Commission should retain jurisdiction over these funds until permanent disposition is made.

Issue 3: Should the Commission order BellSouth to file quarterly reports detailing its Lifeline and Link-Up promotional efforts?

Recommendation: Yes. If the Commission approves Issue 1, staff recommends that BellSouth be ordered to file quarterly reports with the Commission detailing its Lifeline and Link-Up promotional efforts. Beginning with the quarter ending June 30, 2004, staff recommends that the Commission order BellSouth to file a report within thirty days of the end of each quarter.

Issue 4: Should this docket be closed?

Recommendation: No. Whether or not the Commission approves staff's recommendations in Issues 1 and 3, the docket should remain open to resolve the disposition of any remaining funds due to bank drafts that are still outstanding.

DECISION: This item was deferred.

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CASE

10**Docket No. 010977-TL - State certification of rural telecommunications carriers pursuant to 47 C.F.R. 54.314.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Dowds
 FLL: Fogleman
 GCL: B. Keating

Issue 1: Should the Commission certify to the FCC and to USAC that for the year 2005 ALLTEL Florida, Inc., Frontier Communications of the South, Inc., GTC, Inc., Indiantown Telecommunications Systems, Inc., Northeast Florida Telephone Company, TDS Telecom, and Smart City Telecom will only use the federal high-cost support they receive for the provision, maintenance and upgrading of facilities and services for which the support is intended?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open in order to deal with future certification of rural telephone companies.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

11**Docket No. 000121A-TP - Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (BELLSOUTH TRACK) (~~Deferred from February 3, 2004 conference; revised recommendation filed.~~)

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Deason

Staff: CMP: Harvey, Hallenstein
GCL: Christensen

Issue 1: Should the Commission grant BellSouth's Motion to Modify Order No. PSC-03-0529-PAA-TP to defer implementation of penalty provisions for performance measurement *B-10 Percent Billing Errors Corrected in X days*, until the conclusion of the proceeding on the remedy structure of BellSouth's Self-Effectuating Enforcement Mechanism (SEEM) plan?

Recommendation: No. BellSouth's Motion to Modify Order No. PSC-03-0529-PAA-TP to defer implementation of penalty provisions for performance measurement *B-10 Percent Billing Errors Corrected in X days* until the conclusion of the proceeding on the remedy structure of BellSouth's SEEM plan should be denied.

PAA Issue 2: What is the appropriate Tier 1 and Tier 2 penalty structure for BellSouth's wholesale performance measurement *B-10 Percent Billing Errors Corrected in X Days*?

Recommendation: The appropriate Tier 1 and Tier 2 penalty structure for BellSouth's wholesale performance measurement *B-10 Percent Billing Errors Corrected in X Days* should be in accordance with BellSouth's existing SEEM Tier 1 fee schedule for Pre-ordering and the SEEM Tier 2 fee schedule for billing as set forth in Attachment A of staff's May 20, 2004 memorandum. The structure should be implemented beginning with June 2004 data.

ITEM NO.

CASE

11**

Docket No. 000121A-TP - Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (BELLSOUTH TRACK) (~~Deferred from February 3, 2004 conference; revised recommendation filed.~~)

(Continued from previous page)

Issue 3: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

12**PAADocket No. 040196-TI - Compliance investigation of Globcom, Inc. for apparent violation of Section 364.02(13), Florida Statutes.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: M. Watts

GCL: Teitzman

RCA: Vandiver

Issue 1: Should the Commission impose a penalty upon Globcom, Inc. in the amount of \$10,000 for its apparent violations of Sections 364.02(13) and 364.04, Florida Statutes, and order the company to submit the required information listed in Attachment A of staff's May 20, 2004 memorandum to the Division of Regulatory Compliance and Consumer Assistance?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If Globcom fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. If Globcom fails to submit the required audit documentation and pay the \$10,000 penalty imposed in Issue 1 within fourteen (14) calendar days after the issuance of the Consummating Order, Registration No. TJ529 should be removed from the register, Globcom's tariff should be cancelled and the company should be required to immediately cease and desist providing interexchange telecommunications service in Florida. This docket should be closed administratively upon either the receipt of the payment of the penalty imposed and the required audit documentation, or upon cancellation of Registration No. TJ529 with its associated tariff.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

13**Docket No. 040469-WS - Resolution of the Board of County Commissioners of Okeechobee County declaring Okeechobee County subject to the provisions of Chapter 367, F.S.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Brady
GCL: Helton

Issue 1: Should the Commission acknowledge Resolution No. 2004-16 by the County Commissioners of Okeechobee County which transfers regulatory jurisdiction over the County's water and wastewater utilities to the Commission?

Recommendation: Yes. The Commission should acknowledge the resolution effective May 13, 2004. All non-exempt, privately owned water and wastewater utilities in Okeechobee County should be directed to comply with the provisions of Chapter 367, Florida Statutes.

Issue 2: Should this docket be closed?

Recommendation: Yes. Since there are no pending issues in this docket, the docket should be closed upon the issuance of a final order.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

14**Docket No. 981079-SU - Application for amendment of Certificate No. 104-S to extend service territory in Pasco County by Hudson Utilities, Inc., and request for limited proceeding.
Docket No. 020254-SU - Application for increase in service availability charges for wastewater customers in Pasco County by Hudson Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Baez (981079-SU)
Davidson (020254-SU)

Staff: ECR: Clapp, Redemann, Revell, Merchant
GCL: Gervasi

Issue 1: Should Hudson's Notice of Completion of Signal Cove Service Territory and Proof of the Transfer of Territory from Pasco County to Hudson Utilities, Inc. be acknowledged?

Recommendation: Yes. The Notice should be acknowledged.

Issue 2: Should Dockets Nos. 981079-SU and 020254-SU be closed?

Recommendation: Yes. Because no further action is necessary, the dockets should be closed.

DECISION: This item was withdrawn.

ITEM NO.

CASE

15**Docket No. 040296-SU - Application for "quick take" amendment of Certificate No. 226-S in Seminole County by Florida Water Services Corporation.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Redemann

GCL: Vining

Issue 1: Should the Commission acknowledge Florida Water's "Quick Take" application to amend Certificate No. 226-S?

Recommendation: Yes. The Commission should acknowledge Florida Water's amendment application to expand its Meredith Manor territory. The proposed territory amendment is described in Attachment A of staff's May 20, 2004 memorandum. Florida Water should charge the customer in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

Issue 2: Should this docket be closed?

Recommendation: Yes. No further action is required and the docket should be closed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

16**PAADocket No. 040006-WS - Water and wastewater industry annual reestablishment of authorized range of return on common equity for water and wastewater utilities pursuant to Section 367.081(4)(f), F.S.

Critical Date(s): 12/31/04 (Pursuant to Section 367.081(4)(f), Florida Statutes.)

Commissioners Assigned: All Commissioners

Prehearing Officer: Jaber

Staff: ECR: Lester, Winters

GCL: Vining

Issue 1: What is the appropriate range of returns on common equity for water and wastewater (WAW) utilities pursuant to Section 367.081(4)(f), Florida Statutes?

Recommendation: Staff recommends that the current leverage formula methodology be applied using updated financial data. Staff recommends the following leverage formula:

$$\text{Return on Common Equity} = 7.57\% + 1.533/\text{Equity Ratio}$$

Where the Equity Ratio = Common Equity / (Common Equity + Preferred Equity + Long-Term and Short-Term Debt)

Range: 9.10% @ 100% equity to 11.40% @ 40% equity

Issue 2: Should the Commission close this docket?

Recommendation: No. Upon expiration of the protest period, if a timely protest is not received from a substantially affected person, the decision should become final and effective upon the issuance of a Consummating Order. However, this docket should remain open to allow staff to monitor changes in capital market conditions and to readdress the reasonableness of the leverage formula as conditions warrant.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

17**PAADocket No. 030407-WS - Application for transfer of water and wastewater facilities and Certificate No. 366-S in Levy County from Springside at Manatee, Ltd. to Par Utilities, Inc., for cancellation of Certificate No. 435-W held by Springside, and for amendment of Certificate No. 428-W held by Par.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Deason

Staff: ECR: Brady, Kaproth, Walden
GCL: Fleming

Issue 1: Should the transfer of water and wastewater facilities from Springside at Manatee, Ltd. to Par Utilities, Inc. be approved?

Recommendation: Yes. The transfer is in the public interest and should be approved. Certificate No. 366-S, held by Springside, should be transferred to Par Utilities. Certificate No. 435-W, held by Springside, should be cancelled and Certificate No. 428-W, held by Par Utilities, should be amended. The territory being transferred is described in Attachment A of staff's May 20, 2004 memorandum. The effective date of the transfer should be the date of the Commission vote. Hereinafter, Springside's annual reports and RAFs should be incorporated into the annual reports and RAFs submitted on behalf of Par Utilities, Inc.

Issue 2: What is the rate base for Springside at Manatee, Ltd.'s water and wastewater systems at the time of the transfer?

Recommendation: The rate base is \$33,380 for the water system and \$26,397 for the wastewater system as of December 31, 2003. Within 60 days of the date of the order, the utility should be required to provide a statement from the utility's accountant indicating that the utility's books have been adjusted to reflect the Commission-approved rate base adjustments and balances.

Issue 3: Should a negative acquisition adjustment be recognized for ratemaking purposes?

Recommendation: Yes. A negative acquisition adjustment of \$12,567 should be recognized for ratemaking purposes, amortized over a five (5) year period beginning with the date of issuance of the order approving the transfer of assets.

Issue 4: Should the utility's existing rates and charges be continued?

Recommendation: Yes. The existing rates and charges for the utility should be continued until authorized to change by the Commission in a subsequent proceeding. The tariff sheets reflecting the existing rates and charges should be effective for services rendered or connections made on or after the stamped approval date.

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ITEM NO.

CASE

17**PAA

Docket No. 030407-WS - Application for transfer of water and wastewater facilities and Certificate No. 366-S in Levy County from Springside at Manatee, Ltd. to Par Utilities, Inc., for cancellation of Certificate No. 435-W held by Springside, and for amendment of Certificate No. 428-W held by Par.

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Issue 5: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action issues 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: Baez, Deason, Jaber, Bradley, Davidson

ITEM NO.

CASE

18**Docket No. 030828-WS - Complaint Nos. 512346W and 533120W contesting high water and wastewater bills for December 2002 and April 2003, respectively, filed by Mr. Harold Shriver against Terra Mar Village Utilities, Inc., in Volusia County. (Deferred from the January 20, 2004 conference; revised recommendation filed.)

Critical Date(s): None

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

Staff: GCL: Jaeger
RCA: Plescow

Issue 1: What is the proper disposition of Mr. Harold Shriver's Petition for Initiation of Proceedings?

Recommendation: In accordance with Rule 28-106.201(4), Florida Administrative Code, the Commission should dismiss the Petition, without prejudice, for Mr. Shriver's failure to comply with the requirements of Rule 28-106.201(2)(b), (d), and (e), Florida Administrative Code. Mr. Shriver should be given 21 days from the date of the Order to amend his Petition to comply with Rule 28-106.201, Florida Administrative Code.

Issue 2: Should the docket be closed?

Recommendation: If no amended petition complying with the requirements of Rule 28-106.201(2), Florida Administrative Code, is filed within 21 days of the date of this Order, this docket should be administratively closed.

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley