

MINUTES OF
COMMISSION CONFERENCE, TUESDAY, JUNE 12, 2001
COMMENCED: 9:30 a.m.
ADJOURNED: 2:30 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 1, 2001 Regular Commission Conference.

DECISION: The minutes were approved.

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

2** Consent Agenda

A) Requests for approval of resale agreements.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010630-TP	BellSouth Telecommunications, Inc.; Rhythms Links Inc.	07/29/01
010646-TP	Verizon Florida Inc.; Quality Telephone Inc.	07/30/01

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010675-TP	Sprint-Florida, Incorporated; Zephion Networks Communications, Inc.	08/02/01

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2** Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010631-TP	American Fiber Systems, Inc.; BellSouth Telecommunications, Inc.	07/29/01
010648-TP	Verizon Florida Inc; C.B. Telecomm, Inc.	07/30/01

D) Request for approval of Amendment No. One to interconnection and resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010474-TP	Premiere Network Services, Inc.; Sprint-Florida, Incorporated	07/11/01

E) Request for approval of first amendment to interim interconnection agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010645-TP	AT&T Communications of the Southern States, Inc. d/b/a AT&T; Verizon Florida Inc.	07/30/01

F) Request for approval of first amendment to adopted terms of interconnection, unbundling, and resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010644-TP	Florida Digital Network, Inc.; Verizon Florida Inc.	07/30/01

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2** Consent Agenda

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G) Request for approval of collocation agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010652-TP	BellSouth Telecommunications, Inc.; Powertel, Inc.	07/30/01

PAA H) DOCKET NO. 010519-TI - Request for approval of intracorporate transfer of control of IDT America Corp. (holder of IXC Certificate No. 3581) from IDT Corporation to IDT Telecom, Inc.

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010672-TC	Constance L. Cameron d/b/a Cam-Tele Communications
010773-TC	Advantage Group of Florida Communications, L.L.C.

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001176-TX	Alliance Tel-Com, Inc.
010469-TX	Fast Phones, Inc. of Alabama
010592-TX	Advanced Tel, Inc. d/b/a EATEL
010708-TX	Phantom Networks, Inc.

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2**	Consent Agenda (Continued from previous page)
PAA	K) Applications for certificates to provide interexchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010387-TI	Telecom New Zealand Communications (USA) Limited, Inc.
010337-TI	TotalCom America Corporation
010374-TI	Telephone Associates, Inc.
010468-TI	Fast Phones, Inc. of Alabama
010642-TI	Reduced Rate Long Distance LLC
010667-TI	QuantumShift Communications, Inc.

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

DECISION: The recommendation was approved with a modification to Item A, Docket No. 010630-TP, that the docket is for approval of "interim resale agreement."

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

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3**

DOCKET NO. 010774-TP - Petition of The Citizens of the State of Florida to initiate rulemaking which will require telephone companies to give customers reasonable notice before customers incur higher charges or change in services, and allow them to evaluate offers for service from competing alternative providers.

Critical Date(s): 6/21/01 (30-day statutory deadline)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: APP: Cibula, Brown
CMP: Moses
RGO: Daniel

ISSUE 1: Should the Commission grant OPC's petition to initiate rulemaking?

RECOMMENDATION: Yes. The Commission should grant the petition and initiate rulemaking.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation in Issue 1, this docket should remain open to proceed with the rulemaking process.

DECISION: The recommendations were approved.

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

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4**PAA	<p>DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.</p> <p>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.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission (960786-TL) JC DS (981834-TP*) Prehrg Officer DS</p> <p>Staff: CMP: Simmons LEG: Keating RGO: Harvey, Vinson, Hallenstein</p> <p>*(These dockets are consolidated for purposes of OSS Testing. Although a panel is assigned to Docket No. 981834-TP, the Full Commission should vote on the issues herein because the dockets have been consolidated for this purpose.)</p> <p><u>ISSUE 1</u>: Should the Commission approve additional metrics to be included in the OSS Third-Party Test of BellSouth? <u>RECOMMENDATION</u>: Yes. Staff recommends that the additional metrics be approved by the Commission for purposes of OSS testing.</p> <p><u>DECISION</u>: The recommendation was approved. Staff was directed to delete references to other states from the order.</p> <p><u>ISSUE 2</u>: Should the Commission approve the revisions to the retail analogs and benchmarks for the purpose of OSS testing? <u>RECOMMENDATION</u>: Yes. If Issue 1 is approved, staff recommends that the retail analogs and benchmarks shown in Attachment 1 of staff's memorandum be approved by the Commission for purposes of OSS testing.</p> <p><u>DECISION</u>: The recommendation was approved with oral modifications made to Attachment 1.</p>

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4**PAA

DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.
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.

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ISSUE 3: Should the Commission approve additional levels of disaggregation for the purposes of OSS testing?

RECOMMENDATION: Yes. Staff recommends that the proposed levels of disaggregation, as shown in Attachment 2 of staff's memorandum, be approved by the Commission.

DECISION: The recommendation was approved.

ISSUE 4: Should the Commission approve corrections made to the revised interim performance metrics that have resulted from third-party testing in the BellSouth region?

RECOMMENDATION: Yes. Staff recommends that the corrections to the revised interim metrics be approved by the Commission.

DECISION: The recommendation was approved.

ISSUE 5: Should these dockets be closed?

RECOMMENDATION: No. Whether or not the Commission approves staff's recommendations in Issues 1, 2, 3, and 4, these dockets should remain open to address the issues raised in FCCA's Petition for Commission Action to Support Local Competition in BellSouth's Service Territory and BellSouth's compliance with Section 271 of the Act. If the Commission approves staff's recommendations, the Commission's decision on these issues will become final upon issuance of a consummating order if no person whose substantial interests are affected files a timely protest.

DECISION: The recommendation was approved.

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4**PAA

DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.
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.

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

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5**PAA

DOCKET NO. 010450-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3900 issued to H. Cartman for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Banks

ISSUE 1: Should the Commission impose a \$1,000 fine or cancel H. Cartman'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 \$1,000 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. 3900 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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5**PAA

DOCKET NO. 010450-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3900 issued to H. Cartman for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

(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: The recommendations were approved.

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

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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, and 25-24.520, F.A.C., Reporting Requirements.

DOCKET NO. 010432-TC - Lupton Industries

DOCKET NO. 010445-TC - Creative Engineering Concepts, Inc.

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 each company's respective certificate as listed on page 6 of staff's May 31, 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 certificate numbers 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.

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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, and 25-24.520, F.A.C., Reporting Requirements.

(Continued from previous page)

ISSUE 2: Should the Commission impose a \$500 fine or cancel each telecommunications company's respective certificate as listed on page 6 of staff's May 31, 2001 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 certificate numbers listed on page 6 should be canceled administratively.

ISSUE 3: Should these dockets be closed?

RECOMMENDATION: Yes. The Order issued from these recommendations 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

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7**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. 010411-TC - Ravar, Inc.

DOCKET NO. 010427-TC - John C. Thomas d/b/a El Toro Barber Shop

DOCKET NO. 010430-TC - Alberto J. Susi d/b/a Pro Tele-Systems, Company

DOCKET NO. 010451-TC - Ronnie Preston Williams d/b/a Visions Vending

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Elliott, Banks

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on page 5 of staff's May 31, 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 certificate numbers listed on page 5 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.

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7**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. The docket 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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8**PAA

DOCKET NO. 010417-TA - Cancellation by Florida Public Service Commission of AAV Certificate No. 7557 issued to VoData Communications Group, 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: K. Pena, B. Keating

ISSUE 1: Should the Commission impose a \$500 fine or cancel VoData Communications Group, 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, the company's Certificate No. 7557 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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8**PAA

DOCKET NO. 010417-TA - Cancellation by Florida Public Service Commission of AAV Certificate No. 7557 issued to VoData Communications Group, 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: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
9**	<p>DOCKET NO. 010424-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 2358 issued to Telaleasing Enterprises, Inc. 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: Elliott</p> <p><u>ISSUE 1</u>: Should the Commission accept the settlement offer proposed by Telaleasing Enterprises, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?</p> <p><u>RECOMMENDATION</u>: 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. 2358 should be canceled administratively.</p> <p><u>ISSUE 2</u>: Should this docket be closed?</p> <p><u>RECOMMENDATION</u>: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$2,000 contribution or cancellation of the certificate.</p>

DECISION: The recommendations were approved.

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

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10**

DOCKET NO. 010416-TA - Cancellation by Florida Public Service Commission of AAV Certificate No. 7246 issued to FPL FiberNet, LLC 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 FPL FiberNet, LLC 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. 7246 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 \$500 contribution 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>
11**	DOCKET NO. 010448-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3878 issued to Global Tel*Link Corporation for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

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 Global Tel*Link Corporation 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. 3878 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 \$500 contribution 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>
12**	DOCKET NO. 010431-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3312 issued to The Hair Cuttery 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 The Hair Cuttery 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. 3312 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 \$250 contribution 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**	<p>DOCKET NO. 010415-TA - Cancellation by Florida Public Service Commission of AAV Certificate No. 5495 issued to BitStream Communications Inc. 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 accept the settlement offer proposed by BitStream Communications Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?</p> <p><u>RECOMMENDATION</u>: 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. 5495 should be canceled administratively.</p> <p><u>ISSUE 2</u>: Should this docket be closed?</p> <p><u>RECOMMENDATION</u>: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.</p>

DECISION: The recommendations were approved.

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

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14**

DOCKET NO. 010429-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3201 issued to Atlantic Gulf Enterprises 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 accept the settlement offer proposed by Atlantic Gulf Enterprises 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. 3201 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 \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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15**PAA

DOCKET NO. 010433-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3311 issued to Rack-N-Q Billiards 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: Elliott

ISSUE 1: Should the Commission grant Rack-N-Q Billiards a voluntary cancellation of Certificate No. 3311?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 3311 on its own motion, effective December 31, 2000. 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 cancellation of the certificate.

DECISION: The recommendations were approved.

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

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16**

DOCKET NO. 010426-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 2747 issued to Fred Tosti 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 a voluntary cancellation of Certificate No. 2747 issued in the name of Fred Tosti?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 2747 with an effective date of December 31, 2000. In addition, the Division of Administration will be notified that the past due RAFs should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write-off the uncollectible amount should be requested.

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

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ITEM NO.

CASE

17**

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. 010410-TC - Ritz Bowling, Inc.

DOCKET NO. 010413-TC - Anthony M. Laurendi d/b/a Laurendi Associates

DOCKET NO. 010449-TC - Air and Sea Rent-A-Car, Inc.

DOCKET NO. 010452-TC - The Fairways Group of Delaware L.P. d/b/a Pebble Creek Country Club

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

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

ISSUE 1: Should the Commission grant the companies listed on page 5 of staff's May 31, 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 5.

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

<u>ITEM NO.</u>	<u>CASE</u>
18**PAA	<p>DOCKET NO. 000737-WS - Investigation of rates of Aloha Utilities, Inc. in Pasco County for possible overearnings for the Aloha Gardens water and wastewater systems and the Seven Springs water system.</p> <p>DOCKET NO. 010518-WS - Notice of intent to increase water and wastewater rates in Pasco County, based upon application of provisions of Section 367.081(4)(a) & (b), F.S., by Aloha Utilities, Inc.</p> <p>Critical Date(s): 8/17/01 (last day to order refund of 1999 Price Index)</p> <p>Commissioners Assigned: Full Commission Prehr Officer PL (000737) Prehr Officer ADM (010518)</p> <p>Staff: ECR: Fletcher, Merchant, Moniz, Hicks, Wetherington, Crouch LEG: Jaeger, Gervasi</p> <p><u>ISSUE 1</u>: Are any adjustments appropriate for the cost allocations to the Seven Springs water system for the new building and associated land? <u>RECOMMENDATION</u>: Yes. Plant should be increased by \$1,019, and land should be reduced by \$970, to be consistent with the Commission's decision at the May 15, 2001 Agenda Conference. Further, for prospective rate setting purposes, O&M expenses for the Seven Springs water system should be reduced by \$6,117 to remove non-recurring rent expense.</p> <p><u>ISSUE 2</u>: What is the used and useful percentage of the utility's Seven Springs water system? <u>RECOMMENDATION</u>: The Seven Springs water system plant and distribution lines should be considered 100% used and useful.</p> <p><u>ISSUE 3</u>: Should an adjustment be made to accumulated depreciation associated with new computer equipment and system software? <u>RECOMMENDATION</u>: Yes. The utility used an incorrect depreciation rate. As such, Seven Springs water accumulated depreciation and depreciation expense should be increased by \$6,032 and \$4,021, respectively.</p>

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18**PAA

DOCKET NO. 000737-WS - Investigation of rates of Aloha Utilities, Inc. in Pasco County for possible overearnings for the Aloha Gardens water and wastewater systems and the Seven Springs water system.

DOCKET NO. 010518-WS - Notice of intent to increase water and wastewater rates in Pasco County, based upon application of provisions of Section 367.081(4)(a) & (b), F.S., by Aloha Utilities, Inc.

(Continued from previous page)

ISSUE 4: What is the appropriate amortization period and amount of contributed taxes (CTs) associated with the Seven Springs water system?

RECOMMENDATION: The appropriate amortization rate is 2.61%, and the appropriate annual amortization amount is \$30,691. Accordingly, staff recommends that accumulated amortization of CIAC should be decreased by \$5,115 and that the annual amortization of CTs should be decreased by \$11,523.

ISSUE 5: What is the appropriate working capital allowance for the Seven Springs water system?

RECOMMENDATION: The appropriate working capital allowance is \$343,090 for the Seven Springs water system. Accordingly, working capital for this system should be increased by \$124,667. Further, O&M expenses for this system should also be increased by \$65,735 to recognize one year's amortization of regulatory commission expense associated with Docket No. 960545-WS.

ISSUE 6: What is the appropriate rate base for the Seven Springs water system?

RECOMMENDATION: Consistent with other recommended adjustments, the appropriate rate base for the Seven Springs water system is \$1,222,488.

ISSUE 7: What is the appropriate cost rate for long-term debt?

RECOMMENDATION: The appropriate weighted average cost rate for long-term debt is 10.28%.

ISSUE 8: What is the appropriate Return on Equity (ROE) to determine the overall cost of capital?

RECOMMENDATION: The appropriate ROE is 9.93% with a range of reasonableness of 8.93% to 10.93%.

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18**PAA

DOCKET NO. 000737-WS - Investigation of rates of Aloha Utilities, Inc. in Pasco County for possible overearnings for the Aloha Gardens water and wastewater systems and the Seven Springs water system.

DOCKET NO. 010518-WS - Notice of intent to increase water and wastewater rates in Pasco County, based upon application of provisions of Section 367.081(4)(a) & (b), F.S., by Aloha Utilities, Inc.

(Continued from previous page)

ISSUE 9: What is the appropriate weighted average cost of capital?

RECOMMENDATION: Consistent with other recommended adjustments, the appropriate weighted average cost of capital for the Seven Springs water is 9.98%.

ISSUE 10: Should any adjustment be made for related party purchased water transactions?

RECOMMENDATION: Yes. The related party rates for purchased raw water of \$0.32 per thousand gallons should be reduced to \$0.10 per thousand gallons. This rate is equal to the rate charged by Mitchell, a non-related third party. This results in a \$95,070 reduction to O&M expenses for the utility's Seven Springs water system. Moreover, staff recommends that the issue regarding the reasonableness of the purchased raw water rates charged by Mitchell, Tahitian, and Interphase should be addressed in the upcoming rate case for the Seven Springs water system.

ISSUE 11: Should any pro forma O&M expense adjustments be made to determine whether the Seven Springs water system's present rates should be continued?

RECOMMENDATION: Yes. Salaries and Wages - Employees should be increased by \$18,938 to recognize the allocated portion of three additional employees hired in 2001. Pensions and Benefits and payroll taxes should also be increased by \$18,938, \$6,496, and \$1,449, respectively. Further, O&M expenses should be increased by \$55,053 to recognize the significant increase of purchased water in 2001.

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DOCKET NO. 000737-WS - Investigation of rates of Aloha Utilities, Inc. in Pasco County for possible overearnings for the Aloha Gardens water and wastewater systems and the Seven Springs water system.

DOCKET NO. 010518-WS - Notice of intent to increase water and wastewater rates in Pasco County, based upon application of provisions of Section 367.081(4)(a) & (b), F.S., by Aloha Utilities, Inc.

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ISSUE 12: What is the appropriate net operating income before any calculation for an increase or decrease for the utility's Seven Springs water system?

RECOMMENDATION: Based on recommended adjustments discussed in previous issues, the appropriate test year operating income is \$131,276 for refund purposes and \$83,988 for the purposes of determining the appropriateness of existing rates on a prospective basis.

ISSUE 13: What is the appropriate revenue requirement for the utility's Seven Springs water system?

RECOMMENDATION: The appropriate revenue requirement for the test year ending December 31, 2000 is \$1,779,101. Based on the adjusted test year revenues of \$1,794,660, the utility had excess revenues of \$15,559 (or 0.87%). The revenue requirement for the test year ending December 31, 2000, with 2001 pro forma expense adjustments, is \$1,858,492. This calculation reflects underearnings of \$63,832 (or 3.56%) from the adjusted test year revenues of \$1,794,660.

ISSUE 14: Did Aloha have excess earnings for the test year ended December 31, 2000, and if so, what is the appropriate regulatory treatment for these amounts?

RECOMMENDATION: Yes. Aloha's Seven Springs water system had excess earnings of \$15,559 for the test year ended December 31, 2000. However, refunds should not be required and, instead, the utility should be allowed to defer all overearnings to 2001. According to Rule 25-30.360, Florida Administrative Code, interest should be calculated on this amount based on the 30-day commercial paper rate. As of June 30, 2001, the amount of this liability is \$16,860. Upon issuance of the final order, the utility should defer \$15,559 and include the deferred revenues as a separate line

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18**PAA

DOCKET NO. 000737-WS - Investigation of rates of Aloha Utilities, Inc. in Pasco County for possible overearnings for the Aloha Gardens water and wastewater systems and the Seven Springs water system.

DOCKET NO. 010518-WS - Notice of intent to increase water and wastewater rates in Pasco County, based upon application of provisions of Section 367.081(4)(a) & (b), F.S., by Aloha Utilities, Inc.

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item in its capital structure with a cost rate equal to the thirty-day commercial paper rate.

ISSUE 15: Should the present rates for the utility's Seven Springs water system be continued?

RECOMMENDATION: Yes. Based on staff's analysis, the prospective 2001 revenue requirement generates an achieved return below the minimum limit of the overall cost of capital.

ISSUE 16: Should the Commission order Aloha Utilities, Inc., to refrain from increasing its Seven Springs water rates for the 2000 price index?

RECOMMENDATION: Yes. Since this system overearned during the December 31, 2000 test year, the Commission should order Aloha Utilities, Inc., to refrain from increasing its Seven Springs water rates pursuant to the provisions of Section 367.081(4)(a), Florida Statutes, for the 2000 price index.

ISSUE 17: Should Docket No. 000737-WS be closed?

RECOMMENDATION: No. This docket should remain open pending staff's verification that the required refunds are made and the utility's submission of tariff sheets for the Aloha Gardens water and wastewater systems are consistent with the Commission's decision at the May 15, 2001 Agenda Conference. Upon staff's verification, this docket should be administratively closed, if no person whose substantial interests are affected by the Commission's May 15, 2001 PAA decision and this PAA for the Seven Springs water system files a protest within 21 days of the issuance of the respective Orders. Accordingly, if no protest is filed, the corporate undertaking for the Seven Springs water system should be released.

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<u>ITEM NO.</u>	<u>CASE</u>
18**PAA	DOCKET NO. 000737-WS - Investigation of rates of Aloha Utilities, Inc. in Pasco County for possible overearnings for the Aloha Gardens water and wastewater systems and the Seven Springs water system. DOCKET NO. 010518-WS - Notice of intent to increase water and wastewater rates in Pasco County, based upon application of provisions of Section 367.081(4)(a) & (b), F.S., by Aloha Utilities, Inc.

(Continued from previous page)

ISSUE 18: Should Docket No. 010518-WS be closed?
RECOMMENDATION: Yes. If the Commission finds that Aloha overearned by \$15,559 and no person whose substantial interests are affected by this PAA for the Seven Springs water system files a protest within 21 days of the issuance of the Order, the decision will become final and effective upon the issuance of a Consummating Order. Docket No. 010518-WS should be closed upon issuance of the Consummating Order.

DECISION: The recommendations were approved with the following exceptions:

Issue 10 was approved as modified, to accept Aloha's stipulation to use \$.10 per thousand gallons for the purposes of calculating O/E - not to use \$.10 per thousand gallons for purposes of interim rate. This does not preclude the Commission from finding that \$.10 is appropriate for final rate calculation in future rate case if the company fails to meet its burden of proof.

Issue 16 was denied. The Commission exercised its discretion to allow the 2000 index with the understanding that if there are overearnings within the 15-month period, refunds will be made. Staff was directed to consider whether rulemaking is appropriate for the index rule.

Chairman Jacobs dissented on Issue No. 14.

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

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CASE

19**

DOCKET NO. 010168-WU - Application for limited proceeding emergency, temporary, and permanent increase in water rates to customers in Seven Springs service area in Pasco County, by Aloha Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer BZ

Staff: ECR: Fletcher
LEG: Fudge, Jaeger

ISSUE 1: Should the Commission refund the utility's filing fee of \$2,250?

RECOMMENDATION: No. The Commission should not refund the utility's filing fee of \$2,250.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. No further action is required and this docket should be closed.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
20**	DOCKET NO. 010618-WS - Request for approval of tariff filing by Zellwood Station Co-Op, Inc. in Orange County.

Critical Date(s): 6/27/01 (60-day suspension)

Commissioners Assigned: Full Commission
Prehrg Officer DS

Staff: ECR: B. Davis, Merchant
LEG: Brubaker

ISSUE 1: Should Zellwood's proposed tariff revision to include clarifying language be approved?

RECOMMENDATION: Yes. The First Revised Tariff Sheets Nos. 12.0, 12.1, 13.0, and 13.1 should be approved. Within 20 days of the Commission's decision at the Agenda Conference, the utility should provide notice of the Commission's decision to all customers in the service area who are affected by the tariff revisions. The notice should be approved by Commission staff prior to distribution. The utility should provide proof that the appropriate customers have received notice within ten days of the date of the notice. The tariffs should become effective on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, Florida Administrative Code.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If Issue 1 is approved and there is no timely protest to the Commission's Order by a substantially affected person, no further action will be necessary and this docket should be closed upon the issuance of a Consummating Order. Staff should be given administrative authority to approve the revised tariff sheets. Upon staff's verification that the tariff is consistent with the Commission's decision, the tariff sheets should become effective on or after the stamped approval date on the tariff sheets.

DECISION: The recommendations were approved as modified. The order will be issued as proposed agency action with the modification offered by Commissioner Palecki. A new tariff should be filed by the company within 10 working days.

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DOCKET NO. 010618-WS - Request for approval of tariff
filing by Zellwood Station Co-Op, Inc. in Orange County.

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

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<u>ITEM NO.</u>	<u>CASE</u>
21**	<p>DOCKET NO. 010017-TI - Initiation of show cause proceedings against 1ST American Telecom, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer DS</p> <p>Staff: LEG: Fudge CMP: Buys</p> <p><u>ISSUE 1</u>: Should the Commission order 1ST American Telecom, Inc. to show cause why it should not be fined \$25,000 for apparent violation of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should order 1-AT to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$25,000 for apparent violation of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The company's response should contain specific allegations of fact and law. If 1-AT fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing waived, and the fine shall be deemed assessed. If 1-AT pays the fine, it should be remitted to the State of Florida General Revenue Fund. If the company fails to respond to the Order to Show Cause, and the fine is not paid within ten business days after the expiration of the show cause response period, it should be forwarded to the Office of the Comptroller for collection.</p> <p><u>ISSUE 2</u>: Should the Commission order 1-AT to show cause why it should not be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should order 1-AT to show cause in writing within 21 days of the issuance of the</p>

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21**

DOCKET NO. 010017-TI - Initiation of show cause proceedings against 1ST American Telecom, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

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Commission's Order why it should not be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact and law. If 1-AT fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts shall be deemed admitted, the right to a hearing waived, and the fine shall be deemed assessed. If 1-AT pays the fine, it should be remitted to the State of Florida General Revenue Fund. If the company fails to respond to the Order to Show Cause, and the fine is not paid within ten business days after the expiration of the show cause response period, it should be forwarded to the Office of the Comptroller for collection.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendations in Issues 1 and 2 are approved, 1-AT will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed. If 1-AT timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceedings. If 1-AT fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts shall be deemed admitted, the right to a hearing waived, and the fines shall be deemed assessed. If the company fails to respond to the Order to Show Cause and the fines are not paid within ten business days after the expiration of the show cause response period, they should be forwarded to the Office of the Comptroller for collection and this docket may be closed administratively.

DECISION: The recommendations were approved.

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21**

DOCKET NO. 010017-TI - Initiation of show cause proceedings against 1ST American Telecom, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

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

ITEM NO.

CASE

22**

DOCKET NO. 010212-TX - Initiation of show cause proceedings against Supra Telecommunications and Information Systems, Inc. for apparent violation of Rule 25-22.032(5)(a), F.A.C., Customer Complaints.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Fudge
CAF: Lowery
CMP: M. Watts

ISSUE 1: Should the Commission accept the settlement offer proposed by Supra Telecommunications and Information Systems, Inc. to resolve the apparent violation of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within thirty business days from the issuance date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. If the company fails to pay in accordance with the terms of the Commission Order, Certificate Number 4861 should be canceled administratively. The company has waived any objections to the administrative cancellation of Certificate Number 4861 in the event its offer is approved by the Commission and it fails to comply with the terms of its settlement offer.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. With the approval of Issue 1, this docket should remain open pending the remittance of the \$9,000 voluntary contribution. Upon remittance of the settlement payment, this docket should be closed. If the company fails to pay in accordance with the terms of the Commission Order, Certificate Number 4861 should be canceled administratively, and this docket should be closed.

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DECISION: The recommendations were approved.

23** Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki
DOCKET NO. 010134-TX - Initiation of show cause proceedings
against Network Multi-Family Security Corporation d/b/a
Priority Link 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: W. Knight
CMP: M. Watts

ISSUE 1: Should the Commission accept the settlement offer
proposed by Network Multi-Family Security Corporation d/b/a
Priority Link to resolve the apparent violation of Section
364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should accept the
company's settlement proposal. Any contribution should be
received by the Commission within ten business days from the
issuance date of the Commission Order and should identify
the docket number and company name. The Commission should
forward the contribution to the Office of the Comptroller
for deposit in the State of Florida General Revenue Fund.
If the company fails to pay in accordance with the terms of
the Commission Order, Certificate Number 4761 should be
canceled administratively.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. With the approval of Issue 1, this
docket should remain open pending the remittance of the
\$3,500 voluntary contribution. Upon remittance of the
settlement payment, this docket should be closed. If the
company fails to pay in accordance with the terms of the
Commission Order, Certificate Number 4761 should be canceled
administratively, and this docket should be closed.

DECISION: The recommendations were approved.

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

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CASE

23**

DOCKET NO. 010134-TX - Initiation of show cause proceedings against Network Multi-Family Security Corporation d/b/a Priority Link for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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<u>ITEM NO.</u>	<u>CASE</u>
24**PAA	<p>DOCKET NO. 010334-EI - Petition for approval of new standard offer contract for qualifying cogeneration and small power production facilities by Tampa Electric Company.</p> <p>Critical Date(s): 7/1/01 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: SER: Harlow ECR: Wheeler LEG: Stern</p> <p><u>ISSUE 1</u>: Should Tampa Electric Company's petition for a waiver from the ten year minimum contract term required by Rule 25-17.0832(4)(e)(7), Florida Administrative Code, be granted?</p> <p><u>RECOMMENDATION</u>: Yes. TECO has demonstrated that the purpose of the underlying statute will be met and that TECO and its ratepayers will suffer substantial hardship if the variance is not granted.</p> <p><u>ISSUE 2</u>: Should TECO's petition for approval of a new Standard Offer Contract, based upon a combustion turbine unit with an in-service date of May 1, 2004, be approved?</p> <p><u>RECOMMENDATION</u>: Yes. TECO's new Standard Offer Contract complies with Rule 25-17.0832, Florida Administrative Code.</p> <p><u>ISSUE 3</u>: On what date should TECO's proposed Standard Offer Contract become effective?</p> <p><u>RECOMMENDATION</u>: TECO's proposed Standard Offer Contract should become effective upon the issuance of a consummating order if there is no timely protest filed.</p> <p><u>ISSUE 4</u>: Should this docket be closed?</p> <p><u>RECOMMENDATION</u>: 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.</p>

DECISION: The recommendations were approved.

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

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24**PAA

DOCKET NO. 010334-EI - Petition for approval of new standard offer contract for qualifying cogeneration and small power production facilities by Tampa Electric Company.

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<u>ITEM NO.</u>	<u>CASE</u>
25**PAA	<p>DOCKET NO. 010715-EI - Petition for modification of Photovoltaic Research, Development and Education Project by Florida Power & Light Company.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: SER: Colson LEG: Walker</p> <p><u>ISSUE 1</u>: Should the Commission approve Florida Power & Light Company's Petition for Modification of its Photovoltaic Research, Development and Education Project? <u>RECOMMENDATION</u>: Yes. The proposed modification will allow PV roof top installations for commercial, industrial and governmental customers as well as for residential customers. This change will not add any additional cost to the program and will not delay its completion.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: 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.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
26**	<p>DOCKET NO. 010561-EI - Petition by Florida Power & Light Company for approval of residential on-call research project and for waiver of Rule 25-6.0438(4)(c), F.A.C., or for issuance of order stating rule does not apply.</p> <p>Critical Date(s): 6/19/01 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: SER: Futrell ECR: Springer LEG: Hart</p> <p><u>ISSUE 1</u>: Should the Commission suspend Florida Power and Light Company's (FPL) proposed new tariff for its Residential On Call research project? <u>RECOMMENDATION</u>: Yes.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: No. The docket should remain open pending a final decision on the petition.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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<u>ITEM NO.</u>	<u>CASE</u>
27**PAA	<p>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.</p> <p>DOCKET NO. 990457-TL - Request for review of proposed numbering plan relief for the 954 area code. (Deferred from May 29, 2001 Commission conference; this recommendation replaces the one filed on May 15, 2001.)</p> <p>Critical Date(s): 10/1/01 (exhaust date for the 305 area code) 10/1/02 (exhaust date for the 954 area code)</p> <p>Commissioners Assigned: JC DS BZ Prehrg Officer DS</p> <p>Staff: CMP: Ileri, Casey LEG: B. Keating, Fordham</p> <p><u>ISSUE 1</u>: Should the Commission establish implementation dates for the 954 NPA?</p> <p><u>PRIMARY RECOMMENDATION</u>: Yes. Staff recommends Option 2 which establishes implementation dates for the 954 NPA by initiating permissive 7- or 10-digit dialing in the 954 NPA, and concurrent mandatory 10-digit dialing in the new 754 NPA overlay immediately after receiving a Federal Communication Commission (FCC) temporary waiver of 47 C.F.R. 52.19(c)(3)(ii). The Commission should also approve the filing of a petition to the FCC for a temporary waiver of 47 C.F.R. 52.19(c)(3)(ii) in the 954 NPA (Attachment A of staff's May 31, 2001 memorandum). However, if the FCC fails to act on the Florida Public Service Commission's (PSC) petition by October 1, 2001, the alternative recommendation should be initiated.</p> <p><u>DECISION</u>: The recommendation was approved with the following modifications:</p> <ul style="list-style-type: none">- The decision on this item is procedural instead of proposed agency action.- A request is to be filed with the FCC for a declaratory statement or in the alternative a waiver indicating this is the course of action the PSC intends to take by 9/1/01.

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<u>ITEM NO.</u>	<u>CASE</u>
27**PAA	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. 990457-TL - Request for review of proposed numbering plan relief for the 954 area code. (Deferred from May 29, 2001 Commission conference; this recommendation replaces the one filed on May 15, 2001.)

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- Allow permissive dialing by 8/1/01.
- Mandatory 10-digit dialing is to begin 4/1/02 with \$.75 to be permissive until then.

ALTERNATIVE RECOMMENDATION: No. In lieu of establishing implementation dates for the 954 NPA at this time, staff recommends a modification of Option 1, changing the EAS dialing patterns of calls made from the 954 NPA into the 561 NPA from 7-digit to 1+10-digit dialing to eliminate the code conflicts between these NPAs and provide needed numbering resources to carriers and customers immediately. Staff also recommends that the EAS permissive and mandatory 1+10-digit dialing in the 954 NPA should begin 60 days and 120 days, respectively, after the issuance of the Commission's order. In addition, staff recommends that BellSouth provide carriers notice of the dialing change at least 30 days prior to the permissive dialing date to allow sufficient time to educate their customers and make any necessary network changes.

DECISION: The recommendation was denied.

ISSUE 2: Should the Commission establish implementation dates for the 305/786 NPAs?

RECOMMENDATION: Yes. Staff recommends that the Commission establish the permissive dialing period for 7- or 10-digit local dialing beginning on August 1, 2001, with the mandatory 10-digit dialing period beginning on February 3, 2002.

DECISION: This issue was deferred to the June 25, 2001 Commission Conference.

Minutes of
Commission Conference
June 12, 2001

ITEM NO.

CASE

27**PAA

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. 990457-TL - Request for review of proposed numbering plan relief for the 954 area code.

(Deferred from May 29, 2001 Commission conference; this recommendation replaces the one filed on May 15, 2001.)

(Continued from previous page)

ISSUE 3: Should these dockets be closed?

RECOMMENDATION: No. Staff recommends that these dockets should remain open pending the implementation of rate center consolidation and number pooling in the Keys, as well the implementation of overlay relief plans in the 305/786 and 954 NPAs.

DECISION: The recommendation was approved.

Commissioners participating: Jacobs, Deason, Baez

ITEM NO.

CASE

27A**

DOCKET NO. 001810-TP - Request for arbitration concerning complaint of TCG South Florida and Teleport Communications Group against BellSouth Telecommunications, Inc. for breach of terms of interconnection agreement.

Critical Date(s): None

Commissioners Assigned: DS JB BZ
Prehrg Officer JB

Staff: LEG: Christensen
CMP: Logue

ISSUE 1: Should the Commission grant TCG South Florida and Teleport Communications Group's Motion for Partial Summary Final Order?

RECOMMENDATION: Yes. Staff recommends that the Commission grant TCG's Motion for Partial Summary Final Order. Staff believes that the language of the Second BellSouth/TCG Agreement is clear and calls for the payment of reciprocal compensation for local traffic including ISP-bound traffic.

ISSUE 2: Should the Commission grant TCG's Motion to Bifurcate and Supplemental Motion for Continuance?

RECOMMENDATION: Staff recommends denying, in part, and granting, in part, TCG's Motion to Bifurcate and Supplemental Motion for Continuance. Staff recommends denying bifurcation of the issues to separate hearing dates, and granting a continuance of the hearing date until the first available date on the Commission's calendar after the October 16, 2001, Agenda Conference.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending resolution of TCG's complaint.

DECISION: The recommendations in Issue 1 was denied. The recommendation in Issue 2 was denied in part. T.G.'s motion and supplemental motion were denied. The issues will not be bifurcated and the hearing will not be continued. The parties were directed to advise if discovery is still outstanding. The recommendation for Issue 3 was approved.

Commissioners participating: Deason, Jaber, Baez

Minutes of
Commission Conference
June 12, 2001

ITEM NO.

CASE

27A**

DOCKET NO. 001810-TP - Request for arbitration concerning complaint of TCG South Florida and Teleport Communications Group against BellSouth Telecommunications, Inc. for breach of terms of interconnection agreement.

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