

MINUTES OF
COMMISSION CONFERENCE, TUESDAY, MAY 1, 2001
COMMENCED: 9:30 a.m.
ADJOURNED: 11:45 a.m.

COMMISSIONERS PRESENT: 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
April 3, 2001 Regular Commission Conference

DECISION: The minutes were approved.

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

2** Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010356-TC	Federal Correctional Institution Miami
010388-TC	Morden Properties, Inc.
010389-TC	Palm Beach Community College
010466-TC	224 Express, Inc.
010467-TC	Bruce D. Bahret

PAA B) DOCKET NO. 010248-TX - Application for certificate to provide alternative local exchange telecommunications service by Global Telecom Systems, Inc.

PAA C) Applications for certificates to provide interexchange telecommunications service.

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010247-TI	nii communications, Ltd.
010303-TI	Global Dialtone, Inc.
010063-TI	LightSource Telecom I, LLC
010301-TI	CityCom Telecommunications, Inc.
010332-TI	West End Communications Inc.
010346-TI	MCG, LLC
010151-TI	Novo Networks Metro Services, Inc.
010305-TI	YesTel, Inc.
010333-TI	Quick Tel, Inc.

PAA D) Request for cancellation of alternative local exchange telecommunications certificate.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
010391-TX	2001 Telecommunications Inc.	3/5/01

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
010377-TC	Sprint-Florida, Incorporated	352-528-2031 352-528-2997 J & R Quick Stop 7517 NW Hwy. 41 Williston

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2**

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F) Request for approval of resale agreement and Amendment No. One to master resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010349-TP	Budget Phone, Inc.; Sprint-Florida, Incorporated	06/19/01

G) Requests for approval of resale agreements.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010341-TP	BellSouth Telecommunications, Inc.; Re-Connection Connection	06/18/01
010342-TP	BellSouth Telecommunications, Inc.; ServiSense.com, Inc.	06/18/01
010365-TP	Quincy Telephone Company d/b/a TDS Telecom/Quincy; Positive Investments, Inc.	06/25/01

H) Request for approval of amendment to resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010343-TP	BellSouth Telecommunications, Inc.; Phoneright, LLC	06/18/01

I) Request for approval of one-way interconnection agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010379-TP	BellSouth Telecommunications,	06/28/01

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010291-TP	BellSouth Telecommunications, Inc.; Atlantic.net Broadband, Inc.	06/04/01
010339-TP	BellSouth Telecommunications, Inc.; Direct2Internet Corp.	06/18/01

K) Request for approval of interconnection and unbundling agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010378-TP	BellSouth Telecommunications, Inc.; Telepak, Inc.	06/28/01

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010353-TP	Metropolitan Telecommunications of Florida Inc.; Sprint-Florida, Incorporated	06/20/01

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	M) Request for approval of amendment to interconnection, unbundling, resale and collocation agreement.	
DOCKET NO.	COMPANY NAME	CRITICAL DATE
010340-TP	BellSouth Telecommunications, Inc.; Business Telecom, Inc. d/b/a BTI	06/18/01

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

DECISION: The recommendation was approved.

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

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CASE

3**

DOCKET 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: Full Commission
Prehrg Officer DS

Staff: CMP: Moses, K. Craig
APP: Brown
LEG: Elliott

ISSUE 1: Should Sprint's request for a 60-day waiver for liquidated damages associated with failure to meet the blockage rate and answer time requirements, as stated in Section B.47 of Florida's contract with Sprint for the provision of TRS, be granted?

RECOMMENDATION: Yes. Staff recommends that Sprint's request for a 60-day waiver for liquidated damages associated with failure to meet the blockage rate and answer time requirements, as stated in Section B.47 of Florida's contract with Sprint for the provision of TRS, be granted. This waiver period shall begin on the implementation date for 711 and continue for 60 days thereafter.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open for the duration of the contract with Sprint for relay service.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
4	DOCKET NO. 010105-GU - Proposed amendment to Rule 25-7.063, F.A.C., Meter Accuracy at Installation. Critical Date(s): None Rule Status: Adoption Commissioners Assigned: Full Commission Prehrg Officer ADM Staff: APP: Moore ECR: Hewitt LEG: Elias SER: Mills

(Participation is limited to Commissioners and staff.)

ISSUE 1: Should the Commission adopt changes to proposed Rule 25-7.063, Florida Administrative Code, titled "Meter Accuracy at Installation"?

RECOMMENDATION: Yes, the Commission should adopt changes to proposed Rule 25-7.063, Florida Administrative Code, to clarify the intent and requirements for testing new gas meters.

ISSUE 2: Should the rules be filed for adoption with the Secretary of State and the docket be closed?

RECOMMENDATION: Yes. The rules with the changes recommended by staff should be filed for adoption with the Secretary of State and the docket should be closed.

DECISION: The recommendations were approved.

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

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5**PAA

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

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer PL

Staff: CMP: Casey
LEG: Christensen

ISSUE 1: Should the Commission overturn NANPA's decision to deny a growth code for the ORLDFLMADS1 switch?

RECOMMENDATION: Yes. The Commission should overturn NANPA's decision to deny a growth code, and direct NANPA to provide BellSouth with a growth code for the ORLDFLMADS1 switch as soon as possible. Staff also recommends that once the specific customer needs are met, BellSouth should keep as many of the remaining blocks as possible in the new NXX uncontaminated for future number pooling. This is the first time this matter has been raised before the Commission.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
6**PAA	<p>DOCKET NO. 010289-TI - Petition for waiver of Rule 25-4.118, F.A.C., Interexchange Carrier Selection, by PNG Telecommunications, Inc. d/b/a PowerNet Global Communications.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: M. Watts LEG: B. Keating, K. Pena</p> <p><u>ISSUE 1</u>: Should PNG Telecommunications, Inc. d/b/a PowerNet Global Communications be relieved in this instance of the interexchange carrier selection requirements of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection? <u>RECOMMENDATION</u>: Yes.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. This docket should be closed 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.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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7**PAA

DOCKET NO. 010364-TI - Investigation and determination of appropriate method for refunding non-subscriber surcharge, plus interest, applied to intrastate 0+ calls made from pay telephones by AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save and d/b/a Lucky Dog Phone Co. and d/b/a ACC Business.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Buys
LEG: Fudge
RGO: Vandiver

ISSUE 1: Should the Commission accept AT&T's offer to contribute \$50,000 to the General Revenue Fund as a resolution for charging end users for a non-subscriber surcharge on 0+ intrastate calls made from a payphone or in a call aggregator context in excess of the rate caps listed in Rule 25-24.630, Florida Administrative Code, Rate and Billing Requirements?

RECOMMENDATION: Yes. The Commission should accept AT&T's offer to contribute \$50,000 to the General Revenue Fund as a resolution for charging end users a non-subscriber surcharge on 0+ intrastate calls made from a payphone or in a call aggregator context in excess of the rate caps listed in Rule 25-24.630, Florida Administrative Code, Rate and Billing Requirements. Any contribution should be received by the Commission within 30 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 General Revenue Fund.

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7**PAA

DOCKET NO. 010364-TI - Investigation and determination of appropriate method for refunding non-subscriber surcharge, plus interest, applied to intrastate 0+ calls made from pay telephones by AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save and d/b/a Lucky Dog Phone Co. and d/b/a ACC Business.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If no person whose interests are substantially affected by the proposed agency action files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's Order will become final upon issuance of a consummating order. This docket should, however, remain open pending receipt of the \$50,000 contribution. Upon receipt of the \$50,000 contribution, it should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund, and this docket may be closed administratively.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

8**PAA

DOCKET NO. 992037-TI - Investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context by AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save and d/b/a Lucky Dog Phone Co. and d/b/a ACC Business.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JC

Staff: CMP: Buys
LEG: Fudge
APP: Helton

(Recommendation revised to include additional discussion in the staff analysis portion of Issue 1; revised recommendation replaces staff's April 19, 2001 recommendation.)

ISSUE 1: Should the Commission order AT&T to cease charging end users a payphone surcharge and refund the total amount of the payphone surcharges, plus interest, billed to end users since February 1, 1999, for 0+ intrastate calls made from a payphone in excess of the rate caps listed in Rule 25-24.630, Florida Administrative Code?

RECOMMENDATION: Yes. The Commission should order AT&T to cease charging end users a payphone surcharge and refund the total amount of the payphone surcharges, plus interest, it billed to end users since February 1, 1999, for 0+ intrastate calls made from a payphone or in a call aggregator context in excess of the rate caps listed in Rule 25-24.630, Florida Administrative Code. AT&T should be required to determine the total amount that it overcharged end users, and refund that amount, plus interest, to end users pursuant to Rule 25-4.114, Florida Administrative Code, Refunds. The refunds should be credited to the affected end users' local exchange telephone bill by September 30, 2001. Any money not refunded, including

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DOCKET NO. 992037-TI - Investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context by AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save and d/b/a Lucky Dog Phone Co. and d/b/a ACC Business.

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interest, should be remitted to the Commission by November 30, 2001, and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund. In addition, AT&T should be required to submit a report consistent with Rule 25-4.114, Florida Administrative Code, with the Commission once all monies have been refunded.

DECISION: The recommendation was denied. Staff is to initiate rulemaking to address a payphone surcharge rate cap.

Commissioners Jacobs and Jaber dissented.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If no person whose interests are substantially affected by the proposed action files a protest within the 21-day protest period, a Consummating Order should be issued, but this docket should remain open pending completion of the refund and receipt of the final report on the refund. After completion of the refund and receipt of the final refund report, this docket may be closed administratively.

DECISION: The recommendation was denied. Consistent with the vote in Issue 1, this docket is to be closed and a rulemaking docket opened.

Commissioners Jacobs and Jaber dissented.

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

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9**

DOCKET NO. 001150-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7053 issued to Anthony Narducci 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: Banks

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

RECOMMENDATION: No. The Commission should not accept the company's settlement offer, which proposed to pay a \$50 contribution and future regulatory assessment fees on a timely basis. In addition, Order No. PSC-00-1788-PAA-TC proposing to cancel the company's certificate should be rendered a Final Order. If the company fails to pay the \$500 fine within five business days of the issuance of the Order from this recommendation, Certificate No. 7053 should be cancelled in accordance with Order No. PSC-00-1788-PAA-TC. If the fine is paid, it should be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation on Issue 1, this docket should be closed upon receipt of the \$500 fine, or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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10**

DOCKET NO. 001469-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7132 issued to FreedomTel, 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: Banks

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

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7132 should be cancelled 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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11**PAA

DOCKET NO. 991546-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4751 issued to Capital Services of South Florida, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. (Deferred from the June 6, 2000 Commission Conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Banks

ISSUE 1: Should the Commission reconsider its vote from the February 1, 2000 Agenda Conference on its own motion and grant Capital Services of South Florida, Inc. a bankruptcy cancellation of its Certificate No. 4751?

RECOMMENDATION: Yes. The company had filed for bankruptcy protection prior to the Commission's vote. Therefore, the Commission should reconsider its vote from the February 1, 2000 Agenda Conference, and grant the company a bankruptcy cancellation of its Certificate No. 4751 with an effective date of February 2, 2000. In addition, the Division of Administration should not forward the outstanding RAFs 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 or modifies staff's recommendation on Issue 1, this docket should be closed upon cancellation of the certificate. The Order issued from this recommendation will become final upon issuance of the 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. If the Commission denies staff's recommendation on Issue 1, this docket should be closed administratively.

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DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki
12**PAA DOCKET NO. 001306-TI - Cancellation by Florida Public
Service Commission of Interexchange Telecommunications
Certificate No. 5643 issued to MVX Communications, 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: Banks

ISSUE 1: Should the Commission impose a \$500 fine or cancel
MVX Communications, LLC'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. 5643 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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12**PAA

DOCKET NO. 001306-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5643 issued to MVX Communications, LLC 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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13**

DOCKET NO. 001361-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No.7219 issued to PointeCom, Incorporated 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: Banks

ISSUE 1: Should the Commission accept the settlement offer proposed by PointeCom, Incorporated 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. 7219 should be cancelled 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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14**PAA

DOCKET NO. 001681-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7442 issued to Statewide Services Corporation of W.H. 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 grant Statewide Services Corporation of W.H. a voluntary cancellation of Certificate No. 7442?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 7442 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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15**PAA

DOCKET NO. 010284-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 4326 issued to Maria Elena Medina 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 grant Maria Elena Medina a voluntary cancellation of Certificate No. 4326?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 4326 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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16**

DOCKET NO. 001413-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5269 issued to Pinnacle Telcom, 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 accept the settlement offer proposed by Pinnacle Telcom, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 5269 should be cancelled 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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17**

DOCKET NO. 001455-TX - Cancellation by Florida Public Service Commission of ALEC Certificate No. 5751 issued to DPI-Teleconnect, L.L.C. 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 DPI-Teleconnect, L.L.C. 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. 5751 should be cancelled 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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18**

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

DOCKET NO. 001460-TX - Intercontinental Communications Group, Inc. d/b/a Fusion Telecom

DOCKET NO. 001470-TX - PointeCom, Incorporated

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

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

ISSUE 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 of staff's April 19, 2001 memorandum to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept each company's respective settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be cancelled administratively.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 of staff's memorandum dated April 19, 2001 should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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ITEM NO.

CASE

18**

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

(Continued from previous page)

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

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ITEM NO.

CASE

19**PAA

DOCKET NO. 010287-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7516 issued to Intraco Systems, 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 grant Intraco Systems, Inc. a voluntary cancellation of its Certificate No. 7516?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 7516 with an effective date of December 26, 2000.

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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ITEM NO.

CASE

20**

DOCKET NO. 001294-TI - Cancellation by Florida Public Service Commission of IXC Certificate No. 5502 issued to Interactive Media Technologies, 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 accept the settlement offer proposed by Interactive Media Technologies, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 5502 should be cancelled 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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ITEM NO.

CASE

21**PAA

DOCKET NO. 010286-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7371 issued to Consumer Credit Assistance, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Elliott

ISSUE 1: Should the Commission grant Consumer Credit Assistance, Inc. a voluntary cancellation of Certificate No. 7371?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 7371 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

22**

DOCKET NO. 001459-TX - Cancellation by Florida Public Service Commission of ALEC Certificate No. 5788 issued to AirTIME Technologies, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Elliott

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

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 5788 should be cancelled administratively.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

23**

DOCKET NO. 001362-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7233 issued to Sterling Time Company d/b/a STC 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 Sterling Time Company d/b/a STC 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. 7233 should be cancelled 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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ITEM NO.

CASE

24**PAA

DOCKET NO. 010268-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 2653 issued to Affinity Corporation d/b/a Affinity Long Distance, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Elliott

ISSUE 1: Should the Commission grant Affinity Corporation d/b/a Affinity Long Distance, Inc. a voluntary cancellation of Certificate No. 2653?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 2653 on its own motion, effective on the date of issuance of the Consummating Order. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

25**

DOCKET NO. 001414-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5531 issued to International Telcom, Ltd. 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: Isaac

ISSUE 1: Should the Commission accept the settlement offer proposed by International Telcom, Ltd. 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. 5531 should be cancelled 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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ITEM NO.

CASE

26**

DOCKET NO. 001343-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7091 issued to Direct One, Inc. d/b/a Direct One of California, 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: Isaac

ISSUE 1: Should the Commission accept the settlement offer proposed by Direct One, Inc. d/b/a Direct One of California, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7091 should be cancelled 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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ITEM NO.

CASE

27**

DOCKET NO. 001266-TI - Cancellation by Florida Public Service Commission of IXC Certificate No. 4810 issued to International Telcom, Ltd. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Walker

ISSUE 1: Should the Commission accept the settlement offer proposed by International Telcom, Ltd. 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. 4810 should be cancelled 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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ITEM NO.

CASE

28**PAA

DOCKET NO. 010261-EI - Petition by Florida Power & Light Company for waiver of certain requirements of Rule 25-6.0436, F.A.C., as they apply to filing of depreciation study.

Critical Date(s): 5/24/01 (Petition deemed approved if not granted or denied within 90 days of receipt.)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: P. Lee, Gardner
LEG: C. Keating

ISSUE 1: Should Florida Power & Light Company's request for a waiver of Rule 25-6.0436(8)(a), Florida Administrative Code, be granted?

RECOMMENDATION: Yes. The Commission should grant FPL's waiver request for an extension of time to file its depreciation study no later than April 30, 2002. The petition satisfies the statutory criteria for a rule waiver.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. A consummating order should be issued, and this docket should be closed if no person whose substantial interests are affected by the proposed action files a protest within the 21-day protest period.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
29**PAA	DOCKET NO. 010300-EI - Request for approval to increase allowance for funds used during construction (AFUDC) rate to 7.35% effective 1/1/01 by Gulf Power Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: Revell, Maurey, Lester, C. Romig, Brinkley
LEG: Hart

ISSUE 1: What is the appropriate AFUDC rate for Gulf Power Company?

RECOMMENDATION: The appropriate AFUDC rate for Gulf is 7.35% resulting from a 13-month average capital structure for the period ending December 31, 2000.

ISSUE 2: What is the appropriate monthly compounding rate?

RECOMMENDATION: The appropriate monthly compounding rate to maintain a simple rate of 7.35% is 0.592786%.

ISSUE 3: Should Gulf Power Company's requested effective date of January 1, 2001, for implementing the revised AFUDC rate be approved?

RECOMMENDATION: Yes.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed 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.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

30**PAA

DOCKET NO. 001118-WU - Application for staff-assisted rate case in Polk County by Keen Sales, Rentals and Utilities, Inc. (Sunrise Water Company).

Critical Date(s): 1/10/02 (15-month effective date)

Commissioners Assigned: Full Commission
Prehrg Officer JB

Staff: ECR: Rendell, Walker, Willis, Lingo, Munroe
LEG: Jaeger

(Proposed Agency Action except Issues 16, 17, and 18.)

ISSUE 1: Should the quality of service provided by Sunrise Water Company be considered satisfactory?

PRIMARY RECOMMENDATION: No. The utility's overall quality of service is not satisfactory based upon the utility's attempt to address customer satisfaction. Until such time as the utility makes certain changes within its personnel, and attempts to provide satisfactory service to all of its customers, staff is recommending that this utility's overall quality of service is unsatisfactory.

ALTERNATIVE RECOMMENDATION: Yes. Staff recommends that the quality of service be considered satisfactory and that staff monitor the utility for 90 days to insure that problems with the maintenance man are corrected.

ISSUE 2: Are any pro forma adjustments needed for the Sunrise Water Company?

RECOMMENDATION: Yes. A pro forma adjustment of \$17,500 is needed for continuation of the meter replacement program, which results in approximately 145 meters due to be replaced by the utility. Pro forma plant should be completed within six months of the effective date of the Commission's Consummating Order.

ISSUE 3: Should any excessive unaccounted for water be recognized in the used and useful calculation?

RECOMMENDATION: No.

ISSUE 4: What portions of the water plant and distribution system are used and useful?

RECOMMENDATION: The water treatment plant should be considered 100% used and useful. The water distribution system should also be considered 100% used and useful.

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30**PAA

DOCKET NO. 001118-WU - Application for staff-assisted rate case in Polk County by Keen Sales, Rentals and Utilities, Inc. (Sunrise Water Company).

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CASE

30**PAA

DOCKET NO. 001118-WU - Application for staff-assisted rate case in Polk County by Keen Sales, Rentals and Utilities, Inc. (Sunrise Water Company).

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ISSUE 5: What is the appropriate allocation of common costs from Keen to the Sunrise water system?

RECOMMENDATION: The appropriate allocation from Keen to the Sunrise water system is 48.90%.

ISSUE 6: Should an acquisition adjustment be approved in the determination of the utility's rate base at the date of purchase?

RECOMMENDATION: No. An acquisition adjustment should not be approved in the determination of the utility's rate base at the date of purchase.

ISSUE 7: What is the utility's appropriate average amount of rate base?

RECOMMENDATION: The appropriate average amount of rate base should be \$83,192 for the test year.

ISSUE 8: What is the appropriate rate of return on equity and the appropriate overall rate of return for this utility?

RECOMMENDATION: The appropriate rate of return on equity should be 9.94% with a range of 8.94% to 10.94% and the appropriate overall rate of return should be 7.58% with a range of 7.49% to 7.66%.

ISSUE 9: What is the appropriate test year revenue for this utility?

RECOMMENDATION: The appropriate test year revenue should be \$35,353.

ISSUE 10: What is the appropriate amount of operating expenses for rate setting purposes?

RECOMMENDATION: The appropriate amount of operating expenses for rate making purposes should be \$82,031.

ISSUE 11: What is the appropriate revenue requirement for this system?

RECOMMENDATION: The appropriate revenue requirement should be \$88,335 for the test year.

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CASE

30**PAA

DOCKET NO. 001118-WU - Application for staff-assisted rate case in Polk County by Keen Sales, Rentals and Utilities, Inc. (Sunrise Water Company).

(Continued from previous page)

ISSUE 12: Is a continuation of the utility's current rate structure appropriate in this case, and, if not, what is the appropriate rate structure?

RECOMMENDATION: No. A continuation of the utility's current rate structure, which includes a 5,000 gallon per month allotment, is not appropriate in this case. The rate structure should be changed to a three-tier inclining block rate structure, with recommended usage blocks per month of 0-5,000 gallons, 5,001-10,000 gallons, and over 10,000 gallons. The recommended usage block rate factors are 1.0, 1.5, and 3.0, respectively, and a 50% conservation adjustment should also be implemented.

ISSUE 13: Is an adjustment to reflect repression of residential consumption appropriate due to the change in rate structure and price increase in this case, and, if so, what is the appropriate repression adjustment?

RECOMMENDATION: Yes. A repression adjustment of 1,907 kgal is appropriate. In order to monitor the effects of both the change in rate structure and the recommended revenue increase, the utility should be ordered to prepare monthly reports detailing the number of bills rendered, the consumption billed, and the revenue billed. These reports should be provided, by customer class and meter size, on a quarterly basis for a period of two years, beginning with the first billing period after the increased rates go into effect.

ISSUE 14: What are the appropriate rates for this utility?

RECOMMENDATION: The recommended rates should be designed to produce revenue of \$88,335. If the approved revenue requirement is significantly different from \$88,335, staff should be given the authority to approve administratively the recalculated rates that generate the final approved revenue requirement, based on the rate structure recommendations and fallout repression adjustments discussed in Issues Nos. 12 and 13. The utility should file revised tariff sheets and a proposed customer notice to reflect the

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30**PAA

DOCKET NO. 001118-WU - Application for staff-assisted rate case in Polk County by Keen Sales, Rentals and Utilities, Inc. (Sunrise Water Company).

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Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date of the revised tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code. The rates should not be implemented until staff has approved the proposed customer notice, and the notice has been received by the customers. The utility should provide proof of the date notice was given no less than 10 days after the date of the notice.

ISSUE 15: What are the appropriate customer deposits for this utility?

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

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

RECOMMENDATION: Yes. The recommended rates should be approved for the utility on a temporary basis in the event of a timely protest filed by a party other than the utility. The utility should be authorized to collect the temporary rates after staff's approval of the security for potential refund, the proposed customer notice, and the revised tariff sheets.

ISSUE 17: Should the Commission order Keen Sales, Rentals and Utilities, Inc., Sunrise Water Company, to show cause, in writing, within 21 days, why it should not be fined an amount up to \$5,000 for each offense as authorized by

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CASE

30**PAA

DOCKET NO. 001118-WU - Application for staff-assisted rate case in Polk County by Keen Sales, Rentals and Utilities, Inc. (Sunrise Water Company).

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Section 367.161, Florida Statutes, for: (1) What appears to be scheduled interruptions to customers without proper notice to customers in apparent violation of Rule 25-30.250(2), Florida Administrative Code; (2) The utility apparently considering bills delinquent after only 15 days and discontinuing service without providing five working days' written notice after the bills became delinquent in apparent violation of Rules 25-30.335(4) and 25-30.320(2)(g), Florida Administrative Code; (3) The utility's apparent failure to read meters and render bills to customers at regular intervals in apparent violation of Rules 25-30.261(1) and 25-30.335(1), Florida Administrative Code; (4) The utility's apparent failure to maintain a record of all interruptions in service in apparent violation of Rule 25-30.251, Florida Administrative Code; (5) The utility's apparent failure to fully and promptly acknowledge and investigate all customer complaints and respond fully and promptly to all customer requests in apparent violation of Rule 25-30.355(1), Florida Administrative Code?

RECOMMENDATION: No. A show cause proceeding should not be initiated for the above-noted apparent violations. However, the utility should be directed to provide training to its staff on how to respond to customer complaints and the importance of good customer relations. Moreover, the utility should be admonished for its apparent violations of Commission rules and on the need to comply with all Commission rules.

ISSUE 18: Should this docket be closed?

RECOMMENDATION: No. If no timely protest is received upon expiration of the protest period, the Proposed Agency Action Order will become final and effective upon the issuance of a Consummating Order. However, this docket should remain open for an additional six months from the effective date of the Order to allow staff to verify that the utility has installed its recommended pro forma plant. Once staff has

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verified that this work has been completed, the docket should be closed administratively.

DECISION: The recommendations were approved. The primary recommendation in Issue 1 was approved and the alternative denied.

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

<u>ITEM NO.</u>	<u>CASE</u>
31**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>

Critical Date(s): None

Commissioners Assigned: Full Commission
 Prehrg Officer PL

Staff: ECR: Fletcher, Merchant, Wetherington, Crouch
 LEG: Jaeger

ISSUE 1: Should the utility be allowed to capitalize invoices previously expensed?

RECOMMENDATION: No. The capitalization of previously expensed invoices should be disallowed. Plant, accumulated depreciation, and depreciation expense as of December 31, 1999 for Aloha Gardens should be reduced as follows:

<u>System</u>	<u>Plant</u>	<u>Accumulated Depreciation</u>	<u>Depreciation Expense</u>
Water	\$3,669	\$1,064	\$122
Wastewater	\$1,567	\$917	\$87

ISSUE 2: Should an item expensed by the utility during the 1999 test year be capitalized to plant?

RECOMMENDATION: Yes. The utility erroneously expensed an item during the 1999 test year that should have been capitalized to plant. Aloha Gardens wastewater plant balance should be increased by \$3,816 and its O&M expenses should be reduced by \$3,816. In addition, accumulated depreciation and depreciation expense should be increased by \$106 for the Aloha Gardens wastewater system.

ISSUE 3: Should adjustments be made to include costs associated with the utility's new office building?

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31**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.

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RECOMMENDATION: Yes. Pro forma adjustments for the Aloha Gardens costs associated with the utility's new office building should be allowed. The following annualized adjustments should be made:

	<u>Water</u>	<u>Wastewater</u>
Plant	\$70,952	\$70,952
Land	\$5,876	\$5,876
Accumulated Depreciation	\$2,004	\$2,004
Depreciation Expense	\$2,172	\$2,172
Rent Expense	(\$2,622)	(\$2,622)
Maintenance & Insurance	\$757	\$757
Property Taxes	\$1,236	\$1,236

ISSUE 4: Should an adjustment be made to correct an error in the land balances of the utility's Aloha Gardens wastewater system and Seven Springs wastewater system?

RECOMMENDATION: Yes. The land balance for the Aloha Gardens wastewater system should be increased by \$3,030. In addition, the amortization expense for the Aloha Gardens wastewater system should be increased by \$1,515.

ISSUE 5: What are the used and useful percentages of the Aloha Gardens water and wastewater systems?

RECOMMENDATION: The entire Aloha Gardens water treatment, and the wastewater collection and water distribution systems should be considered 100% used and useful.

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31**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.

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ISSUE 6: Should an adjustment be made to accumulated depreciation associated with new computer equipment and system software?

RECOMMENDATION: Yes. The utility used an incorrect depreciation rate. As such, Aloha Gardens accumulated depreciation and depreciation expense should be increased for the December 31, 1999 test year as follows:

<u>System</u>	<u>Accumulated Depreciation</u>	<u>Depreciation Expense</u>
Water	\$484	\$968
Wastewater	\$217	\$433

ISSUE 7: What is the appropriate working capital allowance for the Aloha Gardens water and wastewater systems?

RECOMMENDATION: Consistent with the Commission-approved working capital in Docket No. 991643-SU, the appropriate working capital allowance is \$37,077 for Aloha Gardens water and \$87,941 for Aloha Gardens wastewater.

ISSUE 8: What is the appropriate rate base for the Aloha Gardens water and wastewater systems?

RECOMMENDATION: Consistent with other recommended adjustments, the appropriate rate bases for the Aloha Gardens water and wastewater systems are \$82,850 and \$536,779, respectively.

ISSUE 9: Should any adjustment be made to long-term debt to determine the overall cost of capital?

RECOMMENDATION: Yes. Long-term debt should be increased by \$3,995,580 to included the mortgage for the new building and the construction loan for the Seven Springs wastewater system. The appropriate long-term cost rate should be 10.17%.

ISSUE 10: What is the appropriate Return on Equity (ROE) to determine the overall cost of capital?

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ITEM NO.

CASE

31**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.

(Continued from previous page)

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

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31**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.

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ISSUE 11: What is the appropriate overall cost of capital?

RECOMMENDATION: Consistent with other recommended adjustments, the appropriate weighted average cost of capital for the Aloha Gardens water and wastewater systems is 9.93%.

ISSUE 12: Should any adjustment be made to operating revenues?

RECOMMENDATION: Yes. Since the Commission approved a 1999 index and pass-through that became effective on January 18, 2000, it is appropriate to reflect the associated annualized revenues as pro forma adjustments. Operating revenues should be increased by \$6,828 for Aloha Gardens water and \$53,687 for Aloha Gardens wastewater.

ISSUE 13: What is the appropriate salary for Aloha's vice-president?

RECOMMENDATION: The vice-president's salary should be 20% of the president's salary. As a result, Salary & Wages - Officers, Employee Benefits, and Payroll Tax accounts for Aloha Gardens should be reduced as follows:

<u>System</u>	<u>Salary & Wages - Officers</u>	<u>Employee Benefits</u>	<u>Payroll Tax</u>
Water	\$6,292	\$2,551	\$537
Wastewater	\$6,292	\$2,671	\$497

ISSUE 14: Should any pro forma adjustment be made to Salaries and Wages - Employees?

RECOMMENDATION: Yes. Salaries and Wages - Employees should be increased to recognize the annualized salary of an employee hired during 1999. Salaries and Wages - Employees should be increased by \$2,240 for Aloha Gardens water and \$2,051 for Aloha Gardens wastewater. In addition, Pensions and Benefits should be increased by \$768 for Aloha Gardens

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water and \$703 for Aloha Gardens wastewater. Further, payroll taxes should be increased by \$171 for Aloha Gardens water and \$157 for Aloha Gardens wastewater.

ISSUE 15: Should any adjustments be made for purchased water and sewage treatment expenses?

RECOMMENDATION: Yes. Purchased water should be adjusted to correct a misclassification, to reflect the 10/1/00 pass-through increase, and to normalize an annual expense due to a faulty meter. Purchased water expense should be increased by \$61,160 for Aloha Gardens water, and sewage treatment expense should be increased by \$48,191 for Aloha Gardens wastewater. Staff recommends that the utility should be precluded from filing for a pass-through rate adjustment based on purchased water and sewage treatment rates that became effective on 10/1/00.

ISSUE 16: Should miscellaneous expenses for Aloha Gardens water and wastewater be increased?

RECOMMENDATION: Yes. To correct an erroneous allocation, miscellaneous expenses for Aloha Gardens water and wastewater systems should be increased each by \$2,174.

ISSUE 17: Should any adjustment be made to Contractual Services - Accounting?

RECOMMENDATION: Yes. To amortize a non-recurring expense, Contractual Services - Accounting expense should be reduced by \$1,251 each for Aloha Gardens water and wastewater.

ISSUE 18: Should any other pro forma O&M expense adjustments be made for the utility's Aloha Gardens water and wastewater systems?

RECOMMENDATION: Yes. It is reasonable and appropriate to recognize inflation for 2000 and pro forma billing costs. As such, O&M expenses should be increased by \$7,159 for Aloha Gardens water and by \$6,790 for Aloha Gardens wastewater.

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ISSUE 19: What is the test year operating income before any increase or decrease for the utility's Aloha Gardens water and wastewater systems?

RECOMMENDATION: Based on recommended adjustments discussed in previous issues, the appropriate test year operating income before any increase or decrease is \$36,310 for Aloha Gardens water and \$94,719 for Aloha Gardens.

ISSUE 20: What is the appropriate revenue requirement for the Aloha Gardens water and wastewater systems?

RECOMMENDATION: The following revenue requirements for Aloha Gardens should be approved:

<u>System</u>	<u>Total</u>	<u>\$ Increase</u>	<u>% Increase</u>
Water	\$476,717	(\$47,143)	(9.00)%
Wastewater	\$993,467	(\$69,505)	(6.54)%

ISSUE 21: In determining whether any refunds are appropriate, how should the refund be calculated, and what is the amount of the refund, if any?

RECOMMENDATION: The final revenue requirement should be adjusted for items not representative of the period interim rates were in effect. The adjusted final revenue requirement should then be compared with the interim revenue requirement to determine whether a refund is necessary. Based on staff's analysis of Aloha Gardens, the utility should refund 1.41% for water and 5.53% for wastewater from January 18, 2000 until June 28, 2000. Further, refunds of 9.16% and 6.60% for water and wastewater, respectively, should be required from June 29, 2000 until the effective date of the new final rates. Pursuant to Rule 25-30.360(3), Florida Administrative Code, the refunds should be made to the customers of record as of the date the Proposed Agency Action Order is final and made on the basis of usage. The

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refunds should be made with interest in accordance with Rule 25-30.360(4), Florida Administrative Code. The utility should provide refund reports pursuant to Rule 25-30.360(7), Florida Administrative Code. The utility should treat any unclaimed refunds as CIAC in accordance with Rule 25-30.360(8), Florida Administrative Code.

ISSUE 22: Are the present rates for the utility's Aloha Gardens water and wastewater systems appropriate on a going-forward basis?

RECOMMENDATION: No. The rates for Aloha Gardens water and wastewater should be decreased by 9.16% and 6.60%, respectively. The utility should file revised tariff sheets and a proposed customer notice reflecting the appropriate rates and the reason for the reduction within 20 days of the date that the Order is final. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code. The rates should not be implemented until proper notice has been received by the customers. The utility should provide proof of the date notice was given within 10 days after the date of the notice.

ISSUE 23: Should the amount of revenues secured for the Aloha Gardens water and wastewater and the Seven Springs water system be adjusted?

RECOMMENDATION: Yes. The appropriate amount of security for Aloha Gardens water and wastewater is \$131,206. The appropriate amount to secure for the Seven Springs water system is \$68,388. Since the total security for these three systems is \$199,594, staff recommends that \$32,456 of the \$232,050 previously approved corporate undertaking should be released. Upon staff's verification that the refunds for the Aloha Gardens water and wastewater systems have been completed, \$131,206 of the corporate undertaking should be released.

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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.

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ISSUE 24: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending completion of the Commission's investigation of the earnings for the Seven Springs water system.

DECISION: This item was deferred to the May 15, 2001 Commission Conference.

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<u>ITEM NO.</u>	<u>CASE</u>
32**PAA	<p>DOCKET NO. 001514-WS - Petition for approval of regulatory accounting treatment in Duval, Nassau, and St. Johns Counties by United Water Florida Inc., holder of Certificates Nos. 236-W and 179-S, and request for relief.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer BZ</p> <p>Staff: ECR: Kyle, Merchant LEG: Cibula</p> <p><u>ISSUE 1</u>: Should the Commission approve UWF's request for regulatory accounting treatment for costs incurred to implement an early retirement program? <u>RECOMMENDATION</u>: No. The utility's request should be denied because the impact of utilizing standard accounting methods is not sufficiently material to create an extraordinary circumstance.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. If no timely protest is received upon the expiration of the protest period, the Order should become final and effective upon the issuance of a Consummating Order and this docket should be closed.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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ITEM NO.

CASE

33 DOCKET NO. 010288-EI - Complaint of Michelle P. Ohlson
against Florida Power Corporation for alleged improper
backbilling.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Walker
CAF: Stokes
ECR: Wheeler

ISSUE 1: Should the Commission approve the settlement
agreement between Florida Power Corporation and Michelle P.
Ohlson?

RECOMMENDATION: Yes. The Commission should approve the
settlement agreement because it provides a satisfactory
resolution of the issues in this complaint and satisfies the
requirements of Rule 25-22.032(10), Florida Administrative
Code.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed because
no further action by the Commission is necessary.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
34**	<p>Petitions for determination of need for electrical power plants.</p> <p>DOCKET NO. 000288-EU - Panda Leesburg Power Partners, L.P. DOCKET NO. 000289-EU - Panda Midway Power Partners, L.P. DOCKET NO. 000612-EU - Duke Energy St. Lucie, L.L.C. DOCKET NO. 991462-EI - Okeechobee Generating Company, L.L.C.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer DS (000288, 000289) Prehrg Officer JC (000612, 991462)</p> <p>Staff: LEG: Isaac, Stern, C. Keating CMP: Makin ECR: Lester SER: Colson, Ballinger, Breman, Futrell, Haff</p> <p><u>ISSUE 1</u>: Should the Commission grant Panda Leesburg, Panda Midway, and Duke's Joint Motion to Continue Abatement in Docket Nos. 000288-EU, 000289-EU, 000612-EU? <u>RECOMMENDATION</u>: Yes. The motion for continued abatement should be granted. In the event that no new legislation is passed which gives merchant plants applicant status under Section 403.519, Florida Statutes, staff recommends that the Commission allow these dockets to be administratively closed.</p> <p><u>ISSUE 2</u>: Should Docket No. 991462-EI be held in abeyance until the end of the 2001 Regular Legislative Session? <u>RECOMMENDATION</u>: Yes. The Commission should hold Docket No. 991462-EI in abeyance until the end of the 2001 Regular Legislative Session. In addition, staff recommends that this docket should be closed administratively in the event that no new legislation is passed which gives merchant plants applicant status under Section 403.159, Florida Statutes.</p> <p><u>ISSUE 3</u>: Should these dockets be closed? <u>RECOMMENDATION</u>: No. These dockets should remain open pending the outcome of the 2001 Regular Legislative Session.</p>

DECISION: The recommendations were approved.

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<u>ITEM NO.</u>	<u>CASE</u>
34**	Petitions for determination of need for electrical power plants.

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

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ITEM NO.

CASE

35**

DOCKET NO. 010206-TI - Initiation of show cause proceedings against Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: F. Banks
CAF: P. Lowery
CMP: M. Watts

ISSUE 1: Should the Commission order Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications Inc. to show cause in writing why it should not be fined \$10,000 per violation, for a total of \$50,000, or have Certificate No. 7111 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. The Commission should order Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 per violation, for a total of \$50,000, or have Certificate No. 7111 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. Telquest's response should contain specific allegations of fact and law. If Telquest 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 should be deemed waived and the fine should be deemed assessed. If the fine is not paid within 10 business days after the end of the 21-day response period, then, in lieu of the fine, Certificate No. 7111 should be canceled administratively. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

ITEM NO.

CASE

35**

DOCKET NO. 010206-TI - Initiation of show cause proceedings against Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

(Continued from previous page)

ISSUE 2: Should the Commission order Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications Inc. to show cause why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should order Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. The company's response should contain specific allegations of fact and law. If Telquest 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 should be deemed waived, and the fine should be deemed assessed. If the fine and fees are not paid within ten business days after the Order becomes final, they should be forwarded to the Office of the Comptroller for collection. If the fine and fees are paid, the fine should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation in Issue 1 is approved, Telquest 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 amount proposed or have its certificate canceled. If Telquest timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Telquest fails to respond to the Order to Show Cause within the 21-day show cause response period and the fine is not received within

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35**

DOCKET NO. 010206-TI - Initiation of show cause proceedings against Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

(Continued from previous page)

ten business days after the expiration of the show cause response period, Certificate No. 7111 should be canceled and this docket may be closed administratively if all other issues are closed.

If staff's recommendation in Issue 2 is approved, Telquest 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 amount proposed. If Telquest timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Telquest fails to respond to the show cause order, the fine should be deemed assessed. If the fine and fees are not received 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 if all other issues are closed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

36**

DOCKET NO. 010213-TX - Initiation of show cause proceedings against Southern States Telephone, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

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

ISSUE 1: Should the Commission order Southern States Telephone, Inc. to show cause in writing why it should not be fined \$10,000 per violation, for a total of \$50,000, or have Certificate No. 5694 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. The Commission should order Southern States Telephone, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 per violation, for a total of \$50,000, or have Certificate Number 5694 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. SSTI's response should contain specific allegations of fact and law. If SSTI 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 should be deemed waived and the fine should be deemed assessed. If the fine is not paid within 10 business days after the end of the 21-day response period, then, in lieu of the fine, Certificate No. 5694 should be canceled administratively. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

ISSUE 2: Should the Commission order Southern States Telephone, Inc. to show cause why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida

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CASE

36**

DOCKET NO. 010213-TX - Initiation of show cause proceedings against Southern States Telephone, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

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Administrative Code, Regulatory Assessment Fees;
Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should order Southern States Telephone, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. The company's response should contain specific allegations of fact and law. If SSTI 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 should be deemed waived, and the fine should be deemed assessed. If the fine and fees are not paid within ten business days after the Order becomes final, they should be forwarded to the Office of the Comptroller for collection. If the fine and fees are paid, the fine should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation in Issue 1 is approved, SSTI 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 amount proposed or have its certificate canceled. If SSTI timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If SSTI fails to respond to the Order to Show Cause within the 21-day show cause response period and the fine is not received within ten business days after the expiration of the show cause response period, Certificate No. 5694 should be canceled and this docket may be closed administratively if all other issues are closed.

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CASE

36**

DOCKET NO. 010213-TX - Initiation of show cause proceedings against Southern States Telephone, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

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If staff's recommendation in Issue 2 is approved, SSTI 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 amount proposed. If SSTI timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If SSTI fails to respond to the show cause order, the fine should be deemed assessed. If the fine and fees are not received 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 if all other issues are closed.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

37**

DOCKET NO. 010124-TX - Initiation of show cause proceedings against TotalTel USA Communications, Inc. 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: F. Banks
CMP: M. Watts

ISSUE 1: Should the Commission accept the settlement offer proposed by TotalTel USA Communications, Inc. 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 pursuant to Section 364.285, Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 4771 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 \$7,000 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 No. 4771 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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37**

DOCKET NO. 010124-TX - Initiation of show cause proceedings against TotalTel USA Communications, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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CASE

38**

DOCKET NO. 010130-TX - Initiation of show cause proceedings against Hayes Telecommunications Services, Inc. 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: Christensen
CMP: K. Craig

ISSUE 1: Should the Commission accept the settlement offer proposed by Hayes Telecommunications Services, Inc. (Hayes) to resolve the apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. Staff recommends that the Commission accept Hayes' settlement proposal of a \$3,500 voluntary contribution and assurance that the company will implement measures to ensure future compliance. The voluntary contribution should be received by the Commission within ten business days of the issuance date of an Order approving the settlement offer and should include the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. Staff further recommends that should the company fail to pay the voluntary contribution in accordance with the terms of an Order approving settlement, staff should be authorized to administratively cancel Certificate Number 4032.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation on Issue 1, this docket should remain open pending remittance of the \$3,500 voluntary contribution. Upon staff's verification of receipt of the voluntary contribution, or failure to pay the contribution and subsequent cancellation of Certificate Number 4032, this docket should be administratively closed.

DECISION: The recommendations were approved.

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ITEM NO.

CASE

38**

DOCKET NO. 010130-TX - Initiation of show cause proceedings against Hayes Telecommunications Services, Inc. for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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

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CASE

39**

DOCKET NO. 010310-TI - Initiation of show cause proceedings against Netfax Communications, 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.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

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

ISSUE 1: Should the Commission order Netfax Communications, Inc. (Netfax) 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?

RECOMMENDATION: Yes. The Commission should order Netfax 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 Netfax 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 Netfax pays the fine, it should be remitted to the State of Florida General Revenue Fund, pursuant to Section 364.285, Florida Statutes. 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 2: Should the Commission order Netfax Communications, Inc. (Netfax) 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?

ITEM NO.

CASE

39**

DOCKET NO. 010310-TI - Initiation of show cause proceedings against Netfax Communications, 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.

(Continued from previous page)

RECOMMENDATION: Yes. The Commission should order Netfax to show cause in writing within 21 days of the issuance of the 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 Netfax 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 Netfax pays the fine, it should be remitted to the State of Florida General Revenue Fund, pursuant to Section 364.285, Florida Statutes. 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, Netfax 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 Netfax timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceedings. If Netfax 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.

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CASE

39**

DOCKET NO. 010310-TI - Initiation of show cause proceedings against Netfax Communications, 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.

(Continued from previous page)

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

40**

DOCKET NO. 001436-TP - Petition by Pilgrim Telephone, Inc. for arbitration of certain issues in interconnection agreement with BellSouth Telecommunications, Inc. (Deferred from April 3, 2001 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer BZ

Staff: LEG: Knight
CMP: Barrett

ISSUE 1: Should the Commission grant BellSouth's Motion to Dismiss?

RECOMMENDATION: No. The Commission should deny BellSouth's Motion to Dismiss. Pilgrim is a telecommunications carrier as defined in Section 3(a)(49) of the Act, and is therefore entitled to file a petition for arbitration.

ISSUE 2: Should the Commission, on its own motion, decline to hear Pilgrim's Petition for Arbitration?

RECOMMENDATION: Yes. The Commission, on its own motion, should decline to hear Pilgrim's Petition for Arbitration. Staff notes that this is an issue of first impression for the Commission. Staff recommends that companies which have to be certificated by the Commission prior to providing telecommunication services within the state should not avail themselves of the resources of the Commission and the State of Florida without first obtaining certification.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendations in Issue 1 and Issue 2, no other issues will remain for the Commission to address in this Docket. This Docket should, therefore, be closed.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

41**

DOCKET NO. 001745-TP - Petition by Pilgrim Telephone, Inc. for arbitration of terms of interconnection agreement with Verizon Florida Inc. (f/k/a GTE Florida Incorporated). (Deferred from April 3, 2001 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer DS

Staff: LEG: Knight
CMP: Barrett

ISSUE 1: Should the Commission grant Verizon's Motion to Dismiss?

RECOMMENDATION: No. The Commission should deny Verizon's Motion to Dismiss. Pilgrim is a telecommunications carrier as defined in Section 3(a)(49) of the Act, and is therefore entitled to file a petition for arbitration.

ISSUE 2: Should the Commission, on its own motion, decline to hear Pilgrim's Petition for Arbitration?

RECOMMENDATION: Yes. The Commission, on its own motion, should decline to hear Pilgrim's Petition for Arbitration. Staff notes that this is an issue of first impression for the Commission. Companies which have to be certificated by the Commission prior to providing telecommunication services within the state should not avail themselves of the resources of the Commission and the State of Florida without first obtaining certification.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendations in Issue 1 and Issue 2, no other issues will remain for the Commission to address in this Docket. This Docket should, therefore, be closed.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

42**

DOCKET NO. 001693-WS - Initiation of proceedings to determine whether Aloha Utilities, Inc. should be made to show cause why it should not be fined for its apparent failure to automatically reduce rates due to amortization of rate case expense in apparent violation of Section 367.0816, F.S. (1997), and Order No. PSC-97-0280-FOF-WS.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Jaeger
ECR: Iwenjiora

ISSUE 1: Should Aloha Utilities, Inc., be ordered to show cause, in writing within 21 days, why it should not be fined for its apparent violation of Section 367.0816, Florida Statutes (1997), and Order No. PSC-97-0280-FOF-WS, issued March 12, 1997, in Dockets Nos. 950615-SU and 960545-WS, for its failure to immediately reduce rates upon completion of the amortization of the allowed rate case expense?

RECOMMENDATION: No. A show cause proceeding should not be initiated. However, the utility should be placed on notice that it is expected to know and comply with this Commission's orders, rules, and regulations, and that future violations could result in fines.

ISSUE 2: Should the docket be closed?

RECOMMENDATION: If Issue 1 is approved and the Commission declines to initiate a show cause proceeding, no further action is required in this docket, and the docket should be closed.

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
43**	<p>DOCKET NO. 001513-WS - Application for transfer of Certificate Nos. 524-W and 459-S in Pasco County from Arbor Oaks I, LLC & Arbor Oaks II, LLC, both Delaware Limited Liability Companies d/b/a Timberwood Utilities, to Mink Associates I, LLC, a Florida Limited Liability Company d/b/a Timberwood Utilities.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer BZ</p> <p>Staff: RGO: Clapp, Walden LEG: Cibula</p> <p><u>ISSUE 1:</u> Should the transfer of Certificates Nos. 524-W and 459-S from Arbor Oaks I, LLC and Arbor Oaks II, LLC, both Delaware Limited Liability Companies d/b/a Timberwood Utilities to Mink Associates I, LLC d/b/a Timberwood Utilities be approved? <u>RECOMMENDATION:</u> Yes. The transfer of Certificates Nos. 524-W and 459-S from Arbor Oaks I, LLC and Arbor Oaks II, LLC both Delaware Limited Liability Companies d/b/a Timberwood Utilities to Mink Associates I, LLC d/b/a Timberwood Utilities should be approved. A description of the territory being transferred is shown in Attachment A of staff's April 19, 2001, memorandum.</p> <p>PAA <u>ISSUE 2:</u> What is the rate base of Timberwood at the time of transfer? <u>RECOMMENDATION:</u> The rate bases, which for transfer purposes reflect the net book value, are \$7,770 for the water system and \$65,379 for the wastewater system as of March 23, 2000.</p> <p>PAA <u>ISSUE 3:</u> Should an acquisition adjustment be approved? <u>RECOMMENDATION:</u> No. An acquisition adjustment was not requested. Moreover, an acquisition adjustment cannot be determined at this time.</p> <p><u>ISSUE 4:</u> Should the rates and charges approved for this utility be continued? <u>RECOMMENDATION:</u> Yes. Mink should continue charging the rates and charges approved for this utility system until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting the change in ownership</p>

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CASE

43**

DOCKET NO. 001513-WS - Application for transfer of Certificate Nos. 524-W and 459-S in Pasco County from Arbor Oaks I, LLC & Arbor Oaks II, LLC, both Delaware Limited Liability Companies d/b/a Timberwood Utilities, to Mink Associates I, LLC, a Florida Limited Liability Company d/b/a Timberwood Utilities.

(Continued from previous page)

should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: Yes. If no timely protest is received to the proposed agency action issues, the Order should become final and effective upon the issuance of a Consummating Order and the 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>
44**	DOCKET NO. 001234-WS - Application for amendment of Certificate Nos. 236-W and 179-S to extend service area in Nassau County by United Water Florida Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer JC

Staff: RGO: Rieger
LEG: Cibula

ISSUE 1: Should United Water Florida, Inc.'s amended application for amendment of Certificates Nos. 363-W and 179-S be granted?

RECOMMENDATION: Yes. United Water Florida, Inc.'s amended application for an amendment to expand its territory, as described in Attachment A of staff's April 19, 2001, memorandum should be granted. United Water Florida, Inc. should charge the customers in the territory added herein the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding. Pursuant to Rule 25-30.036(3)(d), Florida Administrative Code, the utility should also be required to file proof of ownership or continued use of the land upon which the water treatment plant facilities will be located within six months of the issuance date of the order rendered in this matter, which is November 19, 2001.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open to allow staff to verify that United Water Florida Inc. has filed proof of ownership or continued use of the land upon which the water treatment facilities will be located. Once staff has verified this information, this docket should be closed administratively.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

45**PAA

DOCKET NO. 010308-EI - Petition for approval to close standard offer contract for purchase of firm capacity and energy from small qualifying facility or municipal solid waste facility by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: SER: Harlow
ECR: Wheeler
LEG: Stern

ISSUE 1: Should TECO's petition to close its current Standard Offer Contract, based upon a combustion turbine unit with an in-service date of May 1, 2003, be approved?

RECOMMENDATION: Yes. The open season period for TECO's Standard Offer Contract expired on February 16, 2001, with no offerings presented to TECO.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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