

MINUTES OF
COMMISSION CONFERENCE, TUESDAY, MAY 16, 2000
COMMENCED: 9:30 a.m.
ADJOURNED: 12:30 p.m.

COMMISSIONERS PRESENT: Chairman Garcia
Commissioner Deason
Commissioner Clark
Commissioner Jacobs
Commissioner Jaber

1 Approval of Minutes
February 29, 2000 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

2 Consent Agenda

A) Applications for certificates to
provide pay telephone service.

DOCKET NO. 000347-TC -Statewide Services Corporation
of W.H.
DOCKET NO. 000371-TC -Select Payphone Providers of
America, Inc.
DOCKET NO. 000389-TC -Steve P Weis d/b/a TEFCYC
Systems
DOCKET NO. 000409-TC -West Flagler Associates, Ltd.
DOCKET NO. 000439-TC -Mike A Reed d/b/a Lake Eustis
Laundry
DOCKET NO. 000441-TC -Mailman Joey's, Inc.
DOCKET NO. 000463-TC -Homer L. Turner Sr.
DOCKET NO. 000466-TC -Lee Calhoun
DOCKET NO. 000471-TC -Fox Telecommunication
Enterprises, Inc.
DOCKET NO. 000479-TC -Dave's Towing & Recovery, Inc.
DOCKET NO. 000492-TC -Thomas J. Neaman, Jr.
DOCKET NO. 000325-TC -Bay Com Communications, Inc.
DOCKET NO. 000410-TC -Larry G. Hopkins
DOCKET NO. 000444-TC -Robert S. Emerson

B) Applications for certificates to
provide alternative local

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exchange telecommunications
service.

DOCKET NO. 000377-TX -AMAFLA Telecom, Inc.
DOCKET NO. 000369-TX -BroadStreet Communications, Inc.
DOCKET NO. 000211-TX -BroadSpan Communications, Inc.
d/b/a Primary Network Communications, Inc.
DOCKET NO. 000360-TX -Arbros Communications Licensing
Company S.E., LLC
DOCKET NO. 000382-TX -BD Webb Enterprise, Inc. d/b/a
Quad City Communications, Inc.
DOCKET NO. 000433-TX -AmeriMex Communications Corp.
DOCKET NO. 000415-TX -David A. Chesson and Ted J. Moss
d/b/a Phone-Out/Phone-On
DOCKET NO. 000395-TX -SATCOM Communication Corporation
d/b/a SATCOM Communication

C) Applications for certificates to
provide interexchange
telecommunications service.

DOCKET NO. 000323-TI -Ronam International, Inc.
DOCKET NO. 000338-TI -Florida Consolidated Multi-Media
Services, Inc.
DOCKET NO. 000120-TI -Siesta Telecom, Inc.
DOCKET NO. 000287-TI -Purepacket Communications of the
South, Inc.
DOCKET NO. 000318-TI -Hotel Connect Management, Inc.
DOCKET NO. 000432-TI -Natel, L.L.C.
DOCKET NO. 000394-TI -SATCOM Communication Corporation
d/b/a SATCOM Communication
DOCKET NO. 000386-TI -TelZero, Inc.

D) DOCKET NO. 000322-TS -
Application for certificate to
provide shared tenant
telecommunications service by
Cypress Communications, Inc.

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d/b/a Cypress Communications of
South Florida, Inc.

E) Requests for cancellation of pay
telephone certificates.

DOCKET NO. 000411-TC -Lisa S. Joswick d/b/a Direct
Connect Communications

DOCKET NO. 000428-TC -Brenda K Harris d/b/a Rapture
Communications

DOCKET NO. 000429-TC -Beverly D. Patterson d/b/a
Patterson's Communication

DOCKET NO. 000422-TC -Andre Hobson

DOCKET NO. 000402-TC -Frederick Zufall

DOCKET NO. 000362-TC -Swin Partners, Ltd.

DOCKET NO. 000404-TC -William J. Cook d/b/a Mr. C's
Convenience Center

DOCKET NO. 000454-TC -Glenn W. Mullins d/b/a Mullins
Payphone Service

DOCKET NO. 000455-TC -Anas H Khalil

DOCKET NO. 000163-TC -Harold J. Baggett d/b/a Baggett
Industries

F) DOCKET NO. 000413-TA - Request
for cancellation of Alternative
Access Vendor Telecommunications
Certificate No. 4033 by TWC
Cable Partners, effective April
4, 2000.

G) DOCKET NO. 000403-TX - Request
for cancellation of Alternative
Local Exchange
Telecommunications Certificate
No. 5253 by MiComm Services,
Inc., effective March 30, 2000.

H) DOCKET NO. 000434-TP - Petition
by GTE Florida Incorporated for

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approval of interconnection
agreement with Progress
Telecommunications Corporation.
(Critical Date: 7/10/00)

I) DOCKET NO. 000406-TP - Petition
by Sprint-Florida, Incorporated
for approval of interconnection
and resale agreement with NPCR,
Inc.
(Critical Date: 7/3/00)

J) DOCKET NO. 000437-TP - Request
by BellSouth Telecommunications,
Inc. for approval of
interconnection, unbundling,
resale, and collocation
agreement with USA Digital, Inc.
(Critical Date: 7/10/00)

K) DOCKET NO. 000405-TP - Petition
by Sprint-Florida, Incorporated
for approval of interconnection,
unbundling, and resale agreement
with Rhythms Links Inc.
(Critical Date: 7/3/00)

L) Requests for approval of
supplemental interconnection
agreements.

DOCKET NO. 000414-TP -GTE Florida Incorporated with
LightNetworks, Inc.

(Critical Date: 7/5/00)

DOCKET NO. 000435-TP -GTE Florida Incorporated with
Allegiance Telecom of Florida, Inc.

(Critical Date: 7/10/00)

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M) DOCKET NO. 000355-TP - Request
by BellSouth Telecommunications,
Inc. for approval of amendment
to existing resale agreement
with Telephone Company of
Central Florida, Inc.
(Critical Date: 6/22/00)

N) Requests for approval of
amendment to interconnection,
unbundling, resale, and
collocation agreements.

DOCKET NO. 000356-TP -BellSouth Telecommunications,
Inc. with Access Integrated Networks, Inc.
(Critical Date: 6/22/00)

DOCKET NO. 000420-TP -BellSouth Telecommunications,
Inc. with Network Telephone Corporation
(Critical Date: 7/5/00)

O) Requests for approval of resale
agreements.

DOCKET NO. 000268-TP -BellSouth Telecommunications,
Inc. with Florida Phone Service, Inc.
(Critical Date: 5/29/00)

DOCKET NO. 000372-TP -Sprint-Florida, Incorporated
with AmeriMex Communications Corporation
(Critical Date: 6/26/00)

DOCKET NO. 000373-TP -BellSouth Telecommunications,
Inc. with Buy-Tel Communications, Inc.
(Critical Date: 6/26/00)

DOCKET NO. 000374-TP -BellSouth Telecommunications,
Inc. with Quick-Tel Communications, Inc.
(Critical Date: 6/26/00)

DOCKET NO. 000375-TP -BellSouth Telecommunications,
Inc. with The Mobile Phone Company, Inc.
(Critical Date: 6/26/00)

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DOCKET NO. 000419-TP -BellSouth Telecommunications,
Inc. with Telefyne Incorporated

(Critical Date: 7/5/00)

DOCKET NO. 00427-TP - BellSouth Telecommunications,
Inc. with Bizy Phones, Inc.

(Critical Date: 7/9/00)

P) Requests for approval of
amendments to interconnection,
unbundling, and resale
agreements.

DOCKET NO. 000174-TP -BellSouth Telecommunications,
Inc. with BlueStar Networks, Inc.

(Critical Date: 5/11/00)

DOCKET NO. 000203-TP -BellSouth Telecommunications,
Inc. with Compass Telecommunications Incorporated

(Critical Date: 5/16/00)

DOCKET NO. 000357-TP -BellSouth Telecommunications,
Inc. with BlueStar Networks, Inc.

(Critical Date: 6/22/00)

DOCKET NO. 000358-TP -BellSouth Telecommunications,
Inc. with MGC Communications, Inc. d/b/a Mpower
Communications Corp.

(Critical Date: 6/22/00)

DOCKET NO. 000359-TP -BellSouth Telecommunications,
Inc. with Navigator Telecommunications, LLC

(Critical Date: 6/22/00)

DOCKET NO. 000421-TP -BellSouth Telecommunications,
Inc. with DSLnet Communications, LLC

(Critical Date: 7/5/00)

DOCKET NO. 000424-TP -BellSouth Telecommunications,
Inc. with Florida Digital Network, Inc.

(Critical Date: 7/6/00)

Q) DOCKET NO. 000328-TX - Request
for approval of transfer of
ultimate control of Concert
Communications Sales LLC ("CCS")

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(holder of ALEC Certificate No. 7253 and pending IXC Certificate No. 7372) from British Telecommunications plc ("BT") to a global joint venture called "Concert" in which BT and AT&T Corp. each maintain a 50% controlling interest; and for approval of forthcoming corporate reorganization whereby authority currently held by CCS will be transferred to Concert USA, an affiliate of CCS, and CCS will be merged into Concert USA.

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

DECISION: The recommendation was approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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3	<p>DOCKET NO. 000533-PU - Proposed repeal of Rule 25-22.036(3), F.A.C., Initiation of Formal Proceedings.</p> <p>Critical Date(s): None</p> <p>Rule Status: Proposed</p> <p>Commissioners Assigned: Full Commission Prehrg Officer - Pending</p> <p>Staff: APP: Helton AFA: Hewitt LEG: Elias</p> <p><u>Issue 1</u>: Should the Commission propose the repeal of subsection (3) of Rule 25-22.036, F.A.C., Initiation of Formal Proceedings? <u>Recommendation</u>: Yes. The Commission should repeal Subsection (3) of Rule 25-22.036, F.A.C., Initiation of Formal Proceedings.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If no comments are filed, the rule amendment as proposed should be filed for adoption with the Secretary of State and the docket closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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4 DOCKET NO. 991754-GP - Petition by Friends of the Aquifer, Inc. to adopt rules necessary to establish safety standards and a safety regulatory program for intrastate and interstate natural gas pipelines and pipeline facilities located in Florida.

Critical Date(s): None (30-day statutory deadline waived)

Rule Status: Proposed

Commissioners Assigned: Full Commission
Prehrg Officer - ADM

Staff: APP: Moore
EAG: Mills

Issue 1: Should the Commission grant the amended petition by Friends of the Aquifer, Inc., to initiate rulemaking to adopt rules stating that it will propose further rules governing safety and environmental standards for intrastate and interstate natural gas pipelines and pipeline facilities?

Recommendation: No. The Commission should deny the amended petition. To the extent that the Commission has jurisdiction and the authority to adopt rules regulating gas pipelines, it has done so.

Issue 2: Should this docket be closed?

Recommendation: Yes.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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5 DOCKET NO. 990302-GU - Depreciation study by Florida
Public Utilities Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer DS

Staff: AFA: Lee, Swain, Causseaux
EAG: Mills
LEG: Stern

Issue 1: Should the current depreciation rates of
Florida Public Utilities Company be changed?

Recommendation: Yes. A review of the company's current
capital recovery position indicates the need to revise
depreciation rates.

Issue 2: What should be the implementation date for new
depreciation rates?

Recommendation: Staff recommends approval of the
company's requested January 1, 2000 implementation date
for new depreciation rates.

Issue 3: Should any corrective reserve transfers be made?

Recommendation: Yes. Staff-recommended corrective
measures are shown on Attachment A, page 8 of staff's May
4, 2000 memorandum. This action will bring each affected
account's reserve more in line with the calculated
theoretical level.

Issue 4: What are the appropriate depreciation rates and
recovery schedules?

Recommendation: The staff-recommended lives, net
salvages, reserves, and resultant depreciation rates are
shown on Attachment B, page 9 of staff's memorandum.
Attachment C, page 10, shows an estimated resultant
decrease in annual expenses of approximately \$416,000,
based on December 31, 1999 investments.

Issue 5: Should the current amortization of investment
tax credits (ITCs) and the flowback of excess deferred
income taxes be revised to reflect the approved
depreciation rates and recovery schedules?

Recommendation: Yes. The current amortization of ITCs
and the flowback of excess deferred income taxes (EDIT)

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5 DOCKET NO. 990302-GU - Depreciation study by Florida
Public Utilities Company.

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should be revised to match the actual recovery periods for the related property. The utility should file detailed calculations of the revised ITC amortization and flowback of EDIT at the same time it files its surveillance report covering the period ending December 31, 2000.

Issue 6: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within twenty-one 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: Garcia, Deason, Clark, Jacobs, Jaber

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6	<p>DOCKET NO. 000392-EI - Petitions for approval of Underground Residential Distribution tariff revisions by Gulf Power Company and Tampa Electric Company.</p> <p>Critical Date(s): 6/2/00 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: EAG: Ging LEG: Isaac</p> <p><u>Issue 1</u>: Should the Commission suspend Gulf Power Company's (GPC) and Tampa Electric Company's (TECO) proposed underground residential distribution tariff revisions? <u>Recommendation</u>: Yes. The Commission should suspend GPC and TECO's proposed underground residential distribution tariff revisions.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. The docket should remain open pending a final decision on the tariff.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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7 DOCKET NO. 000412-EI - Petition by Gulf Power Company for approval of revised lighting tariffs.

Critical Date(s): 5/24/00 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: EAG: Draper
LEG: Isaac

Issue 1: Should the Commission approve Gulf Power Company's proposed changes to its Street and Roadway (OS-1), General Area (OS-II), and Other Outdoor (OS-III) Lighting rate schedules?

Recommendation: Yes.

Issue 2: What is the appropriate effective date for the revised tariffs?

Recommendation: The appropriate effective date for the revised tariffs is May 16, 2000.

Issue 3: 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: Garcia, Deason, Clark, Jacobs, Jaber

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8 DOCKET NO. 991834-EI - Petition for approval of deferred accounting treatment for the Gulf Coast Ozone Study Program by Gulf Power Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: AFA: Merta
EAG: Breman
LEG: Clemons

Issue 1: Should Gulf Power Company's request for clarification and/or modification of Order No. PSC-00-0476-PAA-EI be granted?

Recommendation: Yes. The Commission should grant Gulf Power Company's request for clarification and/or modification of Order No. PSC-00-0476-PAA-EI.

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: This item was deferred to the June 6, 2000 Commission Conference.

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- 9 DOCKET NO. 991462-EU - Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.
DOCKET NO. 000288-EU - Petition for determination of need for an electrical power plant in Lake County by Panda Leesburg Power Partners, L.P.
DOCKET NO. 000289-EU - Petition for determination of need for an electrical power plant in St. Lucie County by Panda Midway Power Partners, L.P.
DOCKET NO. 000442-EI - Petition for determination of need for the Osprey Energy Center by Calpine Construction Finance Company, L.P.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehrg Officer JC (991462)
Prehrg Officer DS (000288)
Prehrg Officer DS (000289)
Prehrg Officer JB (000442)

Staff: EAG: Haff, Breman, Goad, Makin, Colson, Futrell
AFA: Lester
LEG: C. Keating, Clemons, Stern, Isaac

Issue 1: Should the Commission hold Dockets 991462-EU, 000288-EU, 000289-EU, and 000442-EI in abeyance pending the Florida Supreme Court's final decision regarding Tampa Electric Co., et al. v. Garcia, et al., Case Nos. SC95444, SC95445, SC95446 ("Duke-New Smyrna")?

Recommendation: Yes. The petitions for need determinations in Dockets Nos. 991462-EU, 000288-EU, 000289-EU, and 000442-EI should be held in abeyance until a final decision has been issued by the Florida Supreme Court in the "Duke-New Smyrna" case.

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DOCKET NO. 991462-EU - Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.
DOCKET NO. 000288-EU - Petition for determination of need for an electrical power plant in Lake County by Panda Leesburg Power Partners, L.P.
DOCKET NO. 000289-EU - Petition for determination of need for an electrical power plant in St. Lucie County by Panda Midway Power Partners, L.P.
DOCKET NO. 000442-EI - Petition for determination of need for the Osprey Energy Center by Calpine Construction Finance Company, L.P.

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Issue 2: Should Dockets Nos. 991462-EU, 000288-EU, 000289-EU, and 000442-EI be closed?

Recommendation: No. These dockets should remain open until a final decision is reached by the Florida Supreme Court in the "Duke-New Smyrna" case.

DECISION: The recommendations were approved with the modification that Docket No. 000442-EI was not held in abeyance since the Commission has not received a need determination petition from Calpine Construction Finance Company, L.P.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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10 DOCKET NO. 991837-EI - Determination of appropriate disclosure requirements for certain affiliated transaction data and wholesale transaction data for investor-owned electric utilities.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer GR

Staff: EAG: Bohrmann
LEG: C. Keating

Issue 1: How should the Commission dispose of the two remaining issues in this docket?

Recommendation: The Commission should eliminate the two remaining issues from consideration in this docket.

Issue 2: Should this docket be closed?

Recommendation: The docket should be closed after the time for filing an appeal has run.

DECISION: The recommendations were approved with clarification discussed at agenda.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

ITEM NO.

CASE

11 DOCKET NO. 980281-TP - Complaint of MCI Metro Access
Transmission Services, Inc. against BellSouth
Telecommunications, Inc. for breach of approved
interconnection agreement.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer DS

Staff: CMU: Favors
LEG: Caldwell

Issue 1: Should the Commission grant MCI Metro Access
Transmission Services, LLC's Motion to Enforce Commission
Orders?

Recommendation: Yes. Staff recommends that the
Commission grant MCI's Motion to Enforce Commission
Orders by prohibiting BellSouth from requiring MCI to
execute a license agreement prior to the release of the
Regional Street Address Guide (RSAG) download data base.
However, staff recommends that restricting MCI's use of
the RSAG download to address validation for local
telecommunications service to be consistent with the
record in this case. In addition, staff recommends that
MCI should not attempt to sell the data on the open
market. Finally, staff recommends that the RSAG download
data provided to MCI should not be transferred to any
entity, including affiliates.

Issue 2: Should this docket be closed?

Recommendation: Yes. Staff recommends that, upon the
disposition of Issue 1, that this docket be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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12	DOCKET NO. 000235-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. (Deferred from the 3/28/00 Commission Conference, recommendation revised.)
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Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Keating
CMU: M. Watts

Issue 1: Should the Commission accept the settlement offer proposed by TotalTel 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.

Issue 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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13 DOCKET NO. 000231-TX - Initiation of show cause proceedings against Ernest 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: Vaccaro
CMU: M. Watts

Issue 1: Should the Commission accept the settlement offer proposed by ECI 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.

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 \$4,000 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, the company's certificate should be canceled administratively, and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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14 DOCKET NO. 000239-TX - Initiation of show cause proceedings against Atlantic.Net Broadband, 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: Keating
CMU: M. Watts

Issue 1: Should the Commission accept the settlement offer proposed by Atlantic.Net Broadband, 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.

Issue 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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15 DOCKET NO. 992031-TI - Initiation of show cause proceedings against Digital Network Services, Inc. d/b/a Digital Network Operator Services, 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: Caldwell
CMU: Biegalski

Issue 1: Should the Commission modify Order No. PSC-00-0251-SC-TI for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should modify Order No. PSC-00-0251-SC-TI to forward the \$10,000 fine imposed to the Office of the Comptroller for further collection efforts because Digital's certificate has already been canceled in a separate proceeding for a different violation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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CASE

16 DOCKET NO. 000267-TC - Request for exemption from requirements of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by Telaleasing Enterprises, Inc.

Critical Date(s): 5/30/00 (Statutory Deadline)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMU: Isler
LEG: Fordham

Issue 1: Should the Commission grant the provider listed on page 4 of staff's May 4, 2000 memorandum an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone number at the address listed?

Recommendation: Yes.

Issue 2: 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 the issuance of the proposed agency action order.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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17 Requests for exemption from requirements of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls.

DOCKET NO. 000266-TC - Telaleasing Enterprises, Inc.
DOCKET NO. 000339-TC - BellSouth Public Communications, Inc.

Critical Date(s): 5/30/00 and 6/20/00 (statutory deadlines)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMU: Isler
LEG: Vaccaro

Issue 1: Should the Commission grant each of the providers listed on page 5 of staff's May 4, 2000 memorandum an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed?

Recommendation: Yes.

Issue 2: Should these dockets be closed?

Recommendation: Yes. These dockets 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. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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<u>ITEM NO.</u>	<u>CASE</u>
18	<p>DOCKET NO. 991566-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4864 issued to FaciliCom International, L.L.C. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: Isler LEG: Stern</p> <p><u>Issue 1</u>: Should the Commission grant FaciliCom International, L.L.C. a voluntary cancellation of IXC Certificate No. 4864? <u>Recommendation</u>: Yes. The Commission should grant FaciliCom International, L.L.C. a voluntary cancellation of its Interexchange Telecommunications Certificate No. 4864 to be effective on April 13, 2000, the date the request for cancellation was received.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

<u>ITEM NO.</u>	<u>CASE</u>
19	<p>DOCKET NO. 991279-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5860 issued to U.S. Paytel Optima, L.L.C. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer JC</p> <p>Staff: CMU: Isler LEG: K. Peña, B. Keating</p> <p><u>Issue 1</u>: Should the Commission accept the settlement offer proposed by U.S. Paytel Optima, L.L.C. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?</p> <p><u>Recommendation</u>: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, the company's Certificate No. 5860 should be canceled administratively.</p> <p><u>Issue 2</u>: Should this docket be closed?</p> <p><u>Recommendation</u>: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

ITEM NO.

CASE

20

Cancellations by Florida Public Service Commission of Interexchange Telecommunications Certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991536-TI - World Telecommunications Services, Inc.

DOCKET NO. 991571-TI - Inmark, Inc. d/b/a Preferred Billing

DOCKET NO. 991829-TI - Cable & Wireless Global Card Services, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMU: Isler
LEG: K. Peña, B. Keating

Issue 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 of staff's May 4, 2000 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 the companies' settlement proposals. 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 certificate should be canceled administratively.

Issue 2: Should these dockets be closed?

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

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20 Cancellations by Florida Public Service Commission of
Interexchange Telecommunications Certificates for
violation of Rule 25-4.0161, F.A.C., Regulatory
Assessment Fees; Telecommunications Companies.

(Continued from previous page)

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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<u>ITEM NO.</u>	<u>CASE</u>
21	<p>DOCKET NO. 991832-TI - Cancellation by Florida Public Service Commission of IXC Certificate No. 5697 issued to Preferred Voice, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMU: Isler LEG: K. Peña, B. Keating</p> <p><u>Issue 1</u>: Should the Commission grant Preferred Voice, Inc. a voluntary cancellation of IXC Certificate No. 5697?</p> <p><u>Recommendation</u>: Yes. The Commission should grant Preferred Voice, Inc. a voluntary cancellation of its Interexchange Telecommunications Certificate No. 5697 to be effective on March 23, 2000, the date the request for cancellation was received.</p> <p><u>Issue 2</u>: Should this docket be closed?</p> <p><u>Recommendation</u>: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber</p>

ITEM NO.

CASE

22

DOCKET NO. 991877-TS - Cancellation by Florida Public Service Commission of Shared Tenant Services Certificate No. 5247 issued to Rifkin/Narragansett South Florida CATV Limited Partnership d/b/a CableVision Communications 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: CMU: Isler
LEG: K. Peña, B. Keating

Issue 1: Should the Commission accept the settlement offer proposed by Rifkin/Narragansett South Florida CATV Limited Partnership d/b/a CableVision Communications 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, the company's Certificate No. 5247 should be canceled administratively.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

ITEM NO.

CASE

23

Cancellations 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. 991975-TX - Metro Connection, Inc. d/b/a TransAmerican Telephone

DOCKET NO. 991986-TX - NeTel, Inc. d/b/a TEL3

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMU: Isler
LEG: K. Peña, B. Keating

Issue 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 of staff's May 4, 2000 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 the companies' settlement proposals. 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 certificate should be canceled administratively.

Issue 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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<u>ITEM NO.</u>	<u>CASE</u>
23	Cancellations 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: Garcia, Deason, Clark, Jacobs, Jaber

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ITEM NO.

CASE

24

DOCKET NO. 992007-TA - Cancellation by Florida Public Service Commission of Alternative Access Vendor Certificate No. 5764 issued to Progress Telecommunications Corporation 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: CMU: Isler
LEG: K. Peña, B. Keating

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

Recommendation: Yes. The Commission should accept the settlement offer proposed by Progress Telecommunications Corporation to pay regulatory assessment fees in a timely manner and follow up to insure that the fees were received.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

DECISION: This item was deferred to a later Commission Conference.

ITEM NO.

CASE

25 DOCKET NO. 000019-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 Sprint Communications Company, Limited Partnership d/b/a Sprint.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMU: Biegalski
AFA: D. Draper
LEG: Vaccaro

Issue 1: Should the Commission accept Sprint Communications Company, Limited Partnership d/b/a Sprint's offer of refund and refund calculation of \$35,035.90, plus interest of \$2,512.68, for a total of \$37,548.58, for overcharging end users on intrastate 0+ calls made from pay telephones and in a call aggregator context from February 1, 1999, through September 19, 1999?

Recommendation: Yes. The Commission should accept Sprint's refund calculation of \$35,035.90, adding interest of \$2,512.68, for a total of \$37,548.58, and proposal to credit customers' local exchange telephone bills beginning July 1, 2000, and ending August 31, 2000, for overcharging end users on intrastate 0+ calls made from pay telephones and in a call aggregator context from February 1, 1999, through September 19, 1999. At the end of the refund period, any unrefunded amount, including interest, should be remitted to the Commission by September 10, 2000, and forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. Sprint should submit a final report as required by Rule 25-4.114, Florida Administrative Code, Refunds, by September 10, 2000.

Issue 2: Should Sprint Communications Company, Limited Partnership d/b/a Sprint be required to show cause why it should not pay a fine for overbilling of calls in excess

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ITEM NO.

CASE

25 DOCKET NO. 000019-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 Sprint Communications Company, Limited Partnership d/b/a Sprint.

(Continued from previous page)

of the rate cap established in Rule 25-24.630, Florida Administrative Code, Rate and Billing Requirements?

Recommendation: No.

Issue 3: Should this docket be closed?

Recommendation: No. If no person whose interests are substantially affected by the proposed 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 the 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: This item was deferred to the June 6, 2000 Commission Conference.

ITEM NO.

CASE

26

DOCKET NO. 000349-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 ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMU: M. Watts
LEG: Banks, Caldwell

Issue 1: Should the Commission accept ITC^Deltacom's offer of refund and refund calculation of \$405.05, plus interest of \$24.32, for a total of \$429.37, for overcharging customers for 0+ intrastate toll calls placed from pay telephones and in call aggregator contexts between February 1, 1999, and January 18, 2000?

Recommendation: Yes. The Commission should accept ITC^Deltacom's calculation of \$405.05, adding interest of \$24.32, for a total of \$429.37, and proposal to credit customer bills beginning July 1, 2000, and ending July 31, 2000, for overcharging customers for 0+ intrastate toll calls placed from pay telephones and in call aggregator contexts between February 1, 1999, and January 18, 2000. The refunds should be made through credits to customers' bills beginning July 1, 2000. At the end of the refund period, any amount not refunded, including interest, should be remitted to the Commission and forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Chapter 364.285(1), Florida Statutes. ITC^Deltacom should submit a final report as required by Rule 25-4.114, Florida Administrative Code, Refunds, by October 2, 2000.

Issue 2: Should ITC^Deltacom be required to show cause why it should not pay a fine for overbilling of calls in excess of the rate cap established in Rule 25-24.630, Florida Administrative Code, Rate and Billing Requirements?

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ITEM NO.

CASE

26

DOCKET NO. 000349-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 ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom.

(Continued from previous page)

Recommendation: No. Staff does not believe that ITC^Deltacom's conduct rises to the level that warrants an Order to Show Cause.

Issue 3: Should this docket be closed?

Recommendation: No. If no person whose interests are substantially affected by the proposed 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 the 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 recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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<u>ITEM NO.</u>	<u>CASE</u>
27	<p>DOCKET NO. 000290-TL - Request for temporary waiver of physical collocation requirements in the West Palm Beach Gardens Central Office by BellSouth Telecommunications, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer DS</p> <p>Staff: CMU: T. Watts, Favors LEG: Caldwell</p> <p><u>Issue 1</u>: Should BellSouth's Request for Temporary Waiver of Physical Collocation Requirements in the West Palm Beach Gardens Central Office be granted? <u>Recommendation</u>: Yes. BellSouth's Request for Temporary Waiver of Physical Collocation Requirements in the West Palm Beach Gardens central office should be granted until March 31, 2001.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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ITEM NO.

CASE

28 DOCKET NO. 000364-TI - Petition by PNG
Telecommunications, Inc. for waiver of Rule 25-4.118,
F.A.C., Interexchange Carrier Selection, for the purchase
of the customer base of America One Communications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMU: Pruitt
LEG: Vaccaro

Issue 1: Should PNG be relieved in this instance of the
interexchange carrier selection requirements of Rule 25-
4.118, Florida Administrative Code?

Recommendation: Yes.

Issue 2: 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 the issuance
of the proposed agency action order.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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ITEM NO.

CASE

29

DOCKET NO. 000383-TL - Request by Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone for approval of tariff filing to introduce Dedicated DS1 Service and Digital Transport Service. (T-00-0462 filed 3/24/00)

Critical Date(s): None (30-day suspension waived by company)

Commissioners Assigned: Full Commission
Prehr Officer - Pending

Staff: CMU: Hawkins
AFA: Cater
LEG: Banks

Issue 1: Should TDS's proposed tariff filing to introduce Dedicated DS1 Service (DS1) and Digital Transport Service (DTS) be approved with an effective date of April 24, 2000?

Recommendation: Yes. The proposed tariff filing to introduce Dedicated DS1 Service (DS1) and Digital Transport Service (DTS) should be approved with an effective date of ~~April 24, 2000~~ **May 16, 2000**.

Issue 2: Should Docket No. 000383-TL be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this tariff should become effective on ~~April 24, 2000~~ **May 16, 2000**. If a protest is filed within 21 days from the issuance date of the Order, this tariff should remain in effect pending resolution of the protest with any revenues held subject to refund. If no timely protest is filed, this docket should be closed.

DECISION: The recommendations were approved with the noted modification.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

ITEM NO.

CASE

30 DOCKET NO. 980954-WS - Disposition of contributions-in-aid-of-construction (CIAC) gross-up funds collected during the years 12/31/92 through 12/31/96 by JJ's Mobile Homes, Inc. in Lake County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer GR

Staff: LEG: Jaeger
AFA: Romig
WAW: Iwenjiora

Issue 1: Should JJ's Mobile Homes, Inc., be ordered to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for failure to make refunds as required by Order No. PSC-99-2369-PAA-WS, issued December 6, 1999?

Recommendation: The utility should be ordered to show cause, in writing, within 21 days, why it should not be fined \$400 per day from and including March 1, 2000, through May 4, 2000, for a total of \$26,000 for its apparent failure to make refunds as required by Order No. PSC-99-2369-PAA-WS. The show cause order should incorporate the conditions stated in the analysis portion of staff's May 4, 2000 memorandum.

Issue 2: Should the docket be closed?

Recommendation: If JJ's responds to the show cause order by paying the fine, no further action will be required and this docket should be closed administratively. If JJ's fails to timely respond to the show cause order and fails to respond to Commission staff's reasonable collection efforts, then this matter should be referred to the Comptroller's office for further collection efforts and this docket should be closed administratively. If JJ's responds to the show cause order and requests a hearing, this docket should remain open for final disposition.

DECISION: The recommendations were approved.

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<u>ITEM NO.</u>	<u>CASE</u>
30	DOCKET NO. 980954-WS - Disposition of contributions-in-aid-of-construction (CIAC) gross-up funds collected during the years 12/31/92 through 12/31/96 by JJ's Mobile Homes, Inc. in Lake County.

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Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

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<u>ITEM NO.</u>	<u>CASE</u>
31	<p>DOCKET NO. 000292-WS - Notice of abandonment of water and wastewater services in Volusia County by DeBary Associates, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: WAW: Johnson LEG: VanLeuven</p> <p><u>Issue 1</u>: Should the Commission acknowledge the notice of abandonment of DeBary Associates, Inc.? <u>Recommendation</u>: Yes, the Commission should acknowledge the notice of abandonment of DeBary Associates, Inc.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. The docket should remain open until the Commission acknowledges the appointment of a receiver for DeBary Associates, Inc.</p>

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

ITEM NO.

CASE

32 DOCKET NO. 000331-WU - Investigation of possible 1998 overearnings by Mountain Lake Corporation in Polk County. (Deferred from the 4/18/00 Commission Conference, recommendation revised.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: WAW: Casey, Edwards, C. Williams, Kaproth
LEG: VanLeuven

Issue 1: What percentage of the utility's water treatment plant and distribution system is used and useful?

Recommendation: The water treatment plant and the water distribution system should both be considered 100% used and useful.

Issue 2: What is the appropriate average amount of test year rate base?

Recommendation: The appropriate average amount of test year rate base for Mountain Lake Corporation should be \$54,913.

Issue 3: 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 for MLC should be 9.02% with a range of 8.02% - 10.02% and the appropriate overall rate of return should be 8.90% with a range of 8.00% - 9.80%.

Issue 4: What is the appropriate test year operating revenue?

Recommendation: The appropriate test year operating revenue should be \$155,264.

Issue 5: What is the appropriate amount of operating expense?

Recommendation: The appropriate amount of operating expense should be \$88,776.

Issue 6: What is the appropriate revenue requirement?

Recommendation: The appropriate revenue requirement should be \$93,664.

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32

DOCKET NO. 000331-WU - Investigation of possible 1998 overearnings by Mountain Lake Corporation in Polk County. (Deferred from the 4/18/00 Commission Conference, recommendation revised.)

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Issue 7: Did Mountain Lake earn in excess of its authorized return on equity for the test year ended September 30, 1999?

Recommendation: Yes. The Commission should recognize \$61,600 of water revenue which exceeds MLC's recommended authorized return on equity of 9.02%.

Issue 8: What is the appropriate rate structure for this utility and what are the appropriate monthly rates?

Recommendation: The appropriate rate structure for residential customers is the base facility/inclining block rate structure consisting of three tiers (usage blocks). The appropriate rate structure for general service customers is the traditional base facility/uniform gallonage charge rate structure. The recommended rates, as shown in the analysis portion of staff's May 4, 2000 memorandum, are designed to produce revenues of \$93,664. The utility should file revised tariff sheets and a proposed customer notice to reflect the 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 9: In the event of a protest of the Proposed Agency Action (PAA) Order, should any amount of annual water revenues be held subject to refund?

Recommendation: Yes. In the event of a protest of the PAA Order, the utility should be allowed to continue collecting existing rates as temporary rates. However, in order to protect utility customers from potential overearnings, the utility should hold \$61,600 of annual

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32

DOCKET NO. 000331-WU - Investigation of possible 1998 overearnings by Mountain Lake Corporation in Polk County. (Deferred from the 4/18/00 Commission Conference, recommendation revised.)

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revenues subject to refund. The following amount is recommended:

	Test Year	Amount Subject To Refund	% Subject To Refund
Water	\$155,264	\$61,600	39.67%

Issue 10: In the event of a protest of the PAA Order, what is the appropriate security to guarantee the amount subject to refund?

Recommendation: The security should be in the form of a bond or letter of credit in the amount of \$65,173. Alternatively, the utility could establish an escrow agreement with an independent financial institution. If security is provided through an escrow agreement, the utility should escrow 39.67% of its monthly revenues as detailed in Issue No. 9.

Issue 11: Should MLC be ordered to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for non-payment of regulatory assessment fees (RAFs) in apparent violation of Section 350.113, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, and should the utility be required to remit the appropriate past due RAFs with penalties and interest?

Recommendation: No. A show cause proceeding should not be initiated. However, the utility should be required to file a revised 1998 RAF form to include general service revenue in the amount of \$53,843.11. Additionally, MLC should be ordered to immediately remit an additional 1998 RAF payment of \$2,422.93, a statutory penalty in the amount of \$605.75, and \$339.21 in interest for its apparent violation of Section 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to pay RAFs on intercompany revenue in 1998. As of May 16, 2000, the total amount owed by the utility is \$3,367.89. Also, the utility should be ordered to submit

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CASE

32

DOCKET NO. 000331-WU - Investigation of possible 1998 overearnings by Mountain Lake Corporation in Polk County. (Deferred from the 4/18/00 Commission Conference, recommendation revised.)

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a revised 1999 RAF form, annual report and additional RAFs if it has not included its 1999 intercompany revenue.

Issue 12: Should the utility be ordered to make arrangements to remove all non-utility users from the existing electric meter or install an electric meter dedicated strictly to utility operations?

Recommendation: Yes. The utility should be required to remove all non-utility users from the existing electric meter or have an electrical meter installed which will be dedicated strictly to utility operations within 90 days of the effective date of the Order.

Issue 13: Should MLC be ordered to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for failure to maintain its accounts and records in conformance with the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA), in apparent violation of Rule 25-30.115(1), Florida Administrative Code?

Recommendation: No. A show cause proceeding should not be initiated. However, the utility should be ordered to maintain its accounts and records in conformance with the 1996 NARUC USOA, and submit a statement from its accountant by March 31, 2001 along with its 2000 annual report, stating that its books are in conformance with the NARUC USOA and have been reconciled with the Commission Order.

Issue 14: Should this docket be closed?

Recommendation: No. If no timely protest is received upon expiration of the protest period, the PAA Order will become final upon the issuance of the Consummating Order. However, this docket should remain open for an additional 120 days from the effective date of the Order to allow staff to verify that the utility has paid all past due regulatory assessment fees (including penalties and interest), amended its annual report(s) to include

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DOCKET NO. 000331-WU - Investigation of possible 1998 overearnings by Mountain Lake Corporation in Polk County. (Deferred from the 4/18/00 Commission Conference, recommendation revised.)

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intercompany metered revenues, removed non-utility users from the electric meter or installed an electrical meter dedicated to utility operations, and submitted revised tariff sheets as recommended in Issue No. 8. Once staff has verified that this work has been completed, the docket should be closed administratively. In the event of a protest, the utility should be allowed to continue collecting existing rates as temporary rates, but the utility should hold \$61,600 of its annual revenues subject to refund, as set forth in Issue 9 of this recommendation.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

ITEM NO.

CASE

33 DOCKET NO. 991681-WU - Application for amendment of Certificate No. 363-W to add territory in Marion County by Sunshine Utilities of Central Florida, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: WAW: Redemann, Messer
LEG: Fudge

Issue 1: Should Sunshine Utilities of Central Florida, Inc., be ordered to show cause, in writing within 21 days, why it should not be fined for serving outside its certificated territory in apparent violation of Section 367.045(2), Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated.

Issue 2: Should Sunshine Utilities of Central Florida, Inc.'s application for amendment of Water Certificate No. 363-W be granted?

Recommendation: Yes. Sunshine Utilities of Central Florida, Inc.'s application for an amendment to expand its territory should be granted, as described in Attachment A of staff's May 4, 2000 memorandum. The incorrect territory description, as described in Attachment A, to Sunshine Utilities of Central Florida, Inc.'s Water Certificate No. 363-W should be deleted. Sunshine Utilities of Central 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.

Issue 3: Should this docket be closed?

Recommendation: Yes. If staff's recommendations in Issues 1 and 2 are approved, no further action is required and the docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

ITEM NO.

CASE

34 DOCKET NO. 990243-WS - Application for limited proceeding increase and restructuring of water rates by Sun Communities Finance Limited Partnership in Lake County, and overearnings investigation.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer DS

Staff: WAW: Rehwinkel, Edwards, Rendell, Willis, Lingo,
Rieger, Bethea
LEG: Fudge

Issue 1: Is the quality of service satisfactory?

Recommendation: Yes, the quality of service is satisfactory.

Issue 2: Were the installations of the two new hydropneumatic tanks necessary? If yes, were the costs prudent?

Recommendation: Yes, because of governmental regulatory requirements and in order to provide adequate service to the community, the installations of both new hydropneumatic tanks were necessary and the cost should be considered prudent.

Issue 3: What percentage of the utility's water treatment plant and distribution system is used and useful?

Recommendation: The water treatment plant should be considered 79%, and the water distribution system should be considered 90% used and useful. Further, the wastewater treatment plant should be considered 36% and the collection system considered 84% used and useful.

Issue 4: What is the utility's appropriate average amount of utility plant in service (UPIS) for the water system for ratesetting purposes?

Recommendation: The appropriate average amount of UPIS for the water system for ratesetting purposes should be \$243,765.

Issue 5: What is the utility's appropriate average amount of utility plant in service (UPIS) for the wastewater system for ratesetting purposes?

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CASE

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DOCKET NO. 990243-WS - Application for limited proceeding increase and restructuring of water rates by Sun Communities Finance Limited Partnership in Lake County, and overearnings investigation.

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Recommendation: The appropriate average amount of UPIS for the wastewater system for ratesetting purposes should be \$372,808.

Issue 6: What is the appropriate land value for this utility during the test year?

Recommendation: The appropriate land value for the water system is \$3,050 and for the wastewater system is \$120,500.

Issue 7: What is the appropriate non-used and useful plant-in-service balance for the water and wastewater systems during the test period?

Recommendation: The appropriate non-used and useful plant-in-service balance for the water system is \$10,975 and for the wastewater system is \$22,128.

Issue 8: Should an acquisition adjustment continue as a component of rate base?

Recommendation: No. An acquisition adjustment is no longer an appropriate component of rate base for this utility. However, Sun Communities should be required to convert the previously approved negative acquisition adjustment to CIAC. Therefore, for the period ending December 31, 1998, the utility should be required to record CIAC in the amount of \$117,170 for water and \$117,844 for wastewater to reflect obligations previously approved by the Commission, as addressed in the staff analysis. Service availability charges should be reinstated equal to the amount of the remaining prior negative acquisition adjustment. This will be specifically addressed in Issue No. 28.

Issue 9: What are the appropriate amounts of contributions in aid of construction and amortization of contributions in aid of construction for water and wastewater for the test period ending December 31, 1998?

Recommendation: If the Commission approves staff's recommendation in Issue 8, the appropriate amount of CIAC associated with the reclassification of the negative

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DOCKET NO. 990243-WS - Application for limited proceeding increase and restructuring of water rates by Sun Communities Finance Limited Partnership in Lake County, and overearnings investigation.

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acquisition adjustment as of December 31, 1998 is \$117,170 for water and \$207,844 for wastewater. The associated average amount of amortization of CIAC is \$41,595 for water and \$53,095 for wastewater for the test period ending December 31, 1998.

Issue 10: What is the appropriate amount of Accumulated Depreciation for the water and wastewater systems for this utility during the test year?

Recommendation: The appropriate amount of Accumulated Depreciation for the water and wastewater systems for this utility during the test year are \$115,084 and \$253,775, respectively.

Issue 11: What is the appropriate working capital?

Recommendation: The appropriate working capital is \$7,864 for the water system and \$11,357 for the wastewater system.

Issue 12: What is the appropriate total rate base for the water and wastewater system for the test period?

Recommendation: The appropriate total rate base for the water system is \$53,045 and \$74,013 for the wastewater system.

Issue 13: What is the appropriate rate of return on equity and the appropriate overall rate of return for this utility?

Recommendation: The appropriate rate of return on equity is 8.93% with a range of 7.93% - 9.93% and the overall rate of return is 8.93 with a range of 7.93% - 9.93%.

Issue 14: What are the appropriate test year revenues for the water and wastewater systems, respectively?

Recommendation: The appropriate test year revenues are \$121,731 for the water system and \$163,288 for the wastewater system.

Issue 15: What is the appropriate amount of operating and maintenance expenses for the water system?

Recommendation: The appropriate amount of operating and maintenance expenses is \$62,910 for the water system.

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Issue 16: What is the appropriate amount of operating and maintenance expenses for the wastewater system?

Recommendation: The appropriate amount of operating and maintenance expenses is \$90,854 for the wastewater system.

Issue 17: Should the utility's proposed rate case expense be allowed, and if so, what are the appropriate amounts for the water and wastewater systems?

Recommendation: Rate case expense should be allowed in the amount of \$13,304 for the water system and \$992 for the wastewater system, which results in annual amortization over four years of \$3,822 for water and \$248 for wastewater.

Issue 18: What is the appropriate depreciation expense associated with the water and wastewater systems for this utility during the test period?

Recommendation: The appropriate depreciation expense associated with the water and wastewater systems for this utility during the test period is \$7,641 and \$9,112, respectively.

Issue 19: What are the appropriate amounts of taxes other than income for the utility during the test year?

Recommendation: The appropriate test year amounts of taxes other than income for the utility are \$19,984 for the water system and \$17,285 for the wastewater system.

Issue 20: What is the appropriate amount of test year net operating income for the water and wastewater system?

Recommendation: The appropriate amount of test year net operating income is \$31,195 for the water system and \$46,037 for the wastewater system.

Revenue Requirement

Issue 21: What is the appropriate revenue requirement for each system?

Recommendation: The appropriate revenue requirement is \$94,025 for the water system and \$122,002 for the wastewater system.

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Issue 22: Should the utility's request for a limited proceeding for its water system be approved?

Recommendation: No. The utility's request for a limited proceeding for its water system should be denied.

Issue 23: In order to determine the appropriate level of overearnings on a prospective basis, are any changes necessary to staff's calculations of revenue requirement as previously discussed, and, if so, what are the appropriate changes?

Recommendation: Yes. The calculation of used and useful should be revised to reflect current applicable law.

Issue 24: Based on staff's analysis in Issue 23, what is the appropriate revenue requirement, on a prospective basis, for each system?

Recommendation: The appropriate revenue requirement, on a prospective basis, for the water system is \$95,879 and for the wastewater system is \$125,617.

Issue 25: Should the Commission approve water pro forma conservation expenditures, and if so, what amounts should be approved?

Recommendation: Yes. The Commission should approve the conservation program and expenditures discussed in the staff analysis. The utility should be required to implement the recommended conservation program and at a minimum spend the recommended amounts for the first and second years. The Commission should also require the utility to file semiannual reports with the Commission on its conservation program for two years following issuance of the final order in this docket. These reports should list the conservation measures that were performed during the period and the amounts expended.

Issue 26: What is the appropriate disposition of the overearnings associated with the utility's wastewater system?

Recommendation: The utility should be allowed to defer all overearnings associated with its wastewater system,

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DOCKET NO. 990243-WS - Application for limited proceeding increase and restructuring of water rates by Sun Communities Finance Limited Partnership in Lake County, and overearnings investigation.

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to be applied to the cost of its future reuse system. Accordingly, the utility should be ordered to file a reuse project plan pursuant to Section 367.0817, Florida Statutes, within six months of the final order in this docket. Upon issuance of the final order, the utility should defer 23.07% of monthly wastewater billings and include the deferred revenues as a separate line item in its capital structure with a cost rate equal to the thirty-day commercial paper rate. Once the Commission approves the utility's reuse project plan, the deferred earnings and accrued interest should be booked to CIAC.

Issue 27: What is the appropriate rate structure for this utility for water and wastewater service, and what are the appropriate respective monthly rates for service?

Recommendation: The appropriate rate structure for water and wastewater service is a continuation of the traditional base facility and uniform gallonage charge rate structure. Staff recommends that no change be made to the utility's rates at this time. These rates, as shown on Schedule Nos. 4-A and 4-B, produce water system revenues of \$121,731, and wastewater system revenues of \$163,288. This issue should be revisited in the proceeding arising from the utility's filing of its proposed reuse plan discussed in Issue 26. In order to monitor the effects of the conservation programs on consumption, the utility should be ordered to file 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 28: Should the Commission reinstate service availability charges for Sun Communities, and if so, what amounts?

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DOCKET NO. 990243-WS - Application for limited proceeding increase and restructuring of water rates by Sun Communities Finance Limited Partnership in Lake County, and overearnings investigation.

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Recommendation: Yes, the Commission should reinstate service availability charges for Sun Communities as addressed in staff analysis.

Issue 29: In the event of a protest, should the utility be required to hold water and wastewater revenues subject to refund?

Recommendation: Yes, the utility should be allowed to continue charging its existing water and wastewater rates on a temporary basis in the event of a timely protest. The utility should be required to hold water and wastewater revenues subject to refund in the amount of 21.24% for the water system and 23.07% for the wastewater system.

Issue 30: In the event of a protest of the PAA portions of the Order, what is the appropriate security to guarantee the amount subject to refund?

Recommendation: The security should be in the form of a bond or letter of credit in the amount of \$27,350 for the water system and \$39,856 for the wastewater system. Alternatively, the utility could establish an escrow agreement with an independent financial institution. If security is provided through an escrow agreement, the utility should escrow 22.47% of its monthly water revenues and 24.41% of its monthly wastewater revenues as detailed in Issue No. 29.

Issue 31: Should Sun Communities be ordered to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for non-payment of regulatory assessment fees (RAFs) in apparent violation of Rule 25-30.120, Florida Administrative Code, and should the utility be required to remit the appropriate past due RAfs with penalties and interest?

Recommendation: No. A show cause proceeding should not be initiated. However, Sun Communities should be ordered to immediately remit \$4,484 in outstanding regulatory assessment fees. Also, the utility should be required to

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CASE

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DOCKET NO. 990243-WS - Application for limited proceeding increase and restructuring of water rates by Sun Communities Finance Limited Partnership in Lake County, and overearnings investigation.

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remit a statutory penalty in the amount of \$1,121 and \$627.76 in interest for its apparent violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to pay regulatory assessment fees in 1998. Furthermore, Sun Communities should amend its 1999 annual report to include the unreported revenue and pay the RAFs on that amount.

Issue 32: Should the utility be required to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for its apparent violation of Rule 25-30.115, Florida Administrative Code, for its failure to maintain its books and records in conformance with the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA)?

Recommendation: No. A show cause proceeding should not be initiated. However, the utility should be ordered to maintain its books and records in conformance with the 1996 NARUC USOA, and submit a statement from its accountant by March 31, 2001 along with its 2000 annual report, stating that its books are in conformance with the NARUC USOA and have been reconciled with the Commission Order.

Issue 33: Should this docket be closed?

Recommendation: Yes. If no timely protest is received upon expiration of the protest period, the Order will become final and this docket will be closed, upon the issuance of a Consummating Order.

DECISION: This item was deferred to the June 6, 2000 Commission Conference.

ITEM NO.

CASE

35 DOCKET NO. 991643-SU - Application for increase in wastewater rates in Seven Springs System in Pasco County by Aloha Utilities, Inc.

Critical Date(s): 6/3/00 (60-day suspension date)
12/4/00 (8-month effective date)

Commissioners Assigned: Full Commission (for this decision)
Prehrg Officer JB

Staff: WAW: Fletcher, Binford, Merchant, Wetherington, Crouch
LEG: Fudge, Jaeger

Issue 1: Should the utility's proposed final rates be suspended?

Recommendation: Yes. Aloha's proposed final wastewater rates should be suspended. The docket should remain open pending the Commission's final action on the utility's requested rate increase.

Issue 2: Should an interim rate increase be approved?

Recommendation: Based on the test year ending September 30, 1999, the utility was earning below the minimum of its authorized rate of return and would be entitled to increased interim revenues as indicated below.

	<u>Revenues</u>	<u>\$ Increase</u>	<u>% Increase</u>
Wastewater	\$2,500,310	\$9,039	0.36%

However, subsequent to the test year, the utility implemented a price index which increased its rates greater than 0.36%. Therefore, the utility is already charging rates greater than the rates that would result from the interim increase calculation, and thus no further increase is warranted at this time.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark, Jacobs, Jaber

ITEM NO.

CASE

- 36 DOCKET NO. 870248-TL - Resolution by Homes County Board of County Commissioners for extended area service in Holmes County.
- DOCKET NO. 870790-TL - Request by Gilchrist County Commissioners for extended area service throughout Gilchrist County.
- DOCKET NO. 900039-TL - Resolution by the Orange County Board of County Commissioners for extended area service between the Mount Dora exchange and the Apopka, Orlando, Winter Garden, Winter Park, East Orange, Reedy Creek, Windermere, and Lake Buena Vista exchanges.
- DOCKET NO. 910022-TL - Resolution by Bradford County Commission requesting extended area service within Bradford County and between Bradford County, Union County and Gainesville.
- DOCKET NO. 910528-TL - Request by Putnam County Board of County Commissioners for extended area service between the Crescent City, Hawthorne, Orange Springs, and Melrose exchanges, and the Palatka exchange.
- DOCKET NO. 910529-TL - Request by Pasco County Board of County Commissioners for extended area service between all Pasco County exchanges.
- DOCKET NO. 911185-TL - Request for extended area service between all exchanges within Volusia County by Volusia County Council.
- DOCKET NO. 921193-TL - Resolution by the Palm Beach County Board of County Commissioners for extended area service between all exchanges in Palm Beach County.
- DOCKET NO. 930173-TL - Petition by the residents of Polo Park requesting extended area service (EAS) between the Haines City exchange and the Orlando, West Kissimmee, Lake Buena Vista, Windermere, Reedy Creek, Winter Park, Clermont, Winter Garden and St. Cloud exchanges.

Critical Date(s): 4/17/00 (Implementation Deadline)

Commissioners Assigned: GR DS CL
Prehrg Officer DS

Staff: CMU: Barrett
LEG: B. Keating

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<u>ITEM NO.</u>	<u>CASE</u>
36	DOCKETS NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL, 910528-TL, 910529-TL, 911185-TL, 921193-TL, and 930173-TL

(Continued from previous page)

Issue 1: Should the Commission grant the Joint Petitioners' motion for a limited extension of time to comply with the requirements of Order No. PSC-99-1616-FOF-TL?

Recommendation: Yes. The Commission should grant the Joint Petitioners' motion for a limited extension of one week to comply with the requirements of Order No. PSC-99-1616-FOF-TL.

Issue 2: Should these dockets be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, no further matters will remain for the Commission to address, because the routes have already been implemented and the tariffs have been filed. Therefore, these dockets should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Garcia, Deason, Clark

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ITEM NO.

CASE

37 DOCKET NO. 990721-EG - Adoption of Numeric Conservation Goals and Consideration of National Energy Policy Act Standards (Section 111) by Florida Public Utilities Company.

Critical Date(s): None

Commissioners Assigned: DS CL
Prehrg Officer CL

Staff: EAG: Goad
LEG: C. Keating

Issue 1: Should Florida Public Utilities Company's (FPUC) proposed conservation goals for the period 2001-2010 be approved?

Recommendation: Yes. FPUC's proposed goals are cost-effective and meet the requirements of Rules 25-17.001-.003, Florida Administrative Code.

Issue 2: 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 proposed agency action in Issue 1 files a protest within 21 days of the issuance of the order.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Clark

ITEM NO.

CASE

38 DOCKET NO. 000001-EI - Fuel and purchased power cost recovery clause and generating performance incentive factor.

Critical Date(s): None

Commissioners Assigned: DS CL JC
Prehrg Officer CL

Staff: EAG: Bohrmann, Draper, Ging
LEG: C. Keating

Issue 1: Should the Commission approve Florida Power Corporation's (Florida Power) petition for a mid-course correction to its currently authorized fuel and purchased power cost recovery factors, effective with Florida Power's cycle 1 for June, 2000 billings?

Recommendation: Yes. The Commission's approval of Florida Power's petition for a mid-course correction would mitigate the rate impact of Florida Power's projected under-recovery for the upcoming recovery period.

Issue 2: Should the Commission approve Florida Power & Light Company's (FPL) petition for a mid-course correction to its currently authorized fuel and purchased power cost recovery factors, effective on FPL's cycle day 3 for June 2000 billings?

Recommendation: Yes. The Commission's approval of FPL's petition for a mid-course correction would mitigate the rate impact of FPL's collection of its projected under-recovery during both the remainder of the current recovery period and the upcoming recovery period.

Issue 3: Should the Commission approve Tampa Electric Company's (TECO) petition for a mid-course correction to its currently authorized fuel and purchased power cost recovery factors and its currently authorized capacity cost recovery factors, effective with TECO's first billing cycle for June, 2000?

Recommendation: Yes. The Commission's approval of TECO's petition for a mid-course correction would mitigate the rate impact of TECO's collection of its projected under-

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<u>ITEM NO.</u>	<u>CASE</u>
38	<p>DOCKET NO. 000001-EI - Fuel and purchased power cost recovery clause and generating performance incentive factor.</p> <p>(Continued from previous page)</p> <p>recoveries during both the remainder of the current recovery period and the upcoming recovery period. <u>Issue 4</u>: Should this docket be closed? <u>Recommendation</u>: No.</p> <p><u>DECISION</u>: The recommendations were approved with the modification of a 30-day notice to customers.</p> <p>Commissioners participating: Deason, Clark, Jacobs</p>

ITEM NO.

CASE

39

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): Budget approval is needed for FTRI's fiscal year which begins July 1, 2000. Also need to allow time for LECs and ALECs to program any surcharge billing changes effective July 1, 2000.

Commissioners Assigned: DS CL JC
Prehrg Officer DS

Staff: CMU: King, Tudor
APP: Brown

Issue 1: Should Florida Telecommunications Relay, Inc.'s proposed budget for the fiscal year 2000-2001 be approved effective July 1, 2000 as proposed by FTRI?
Recommendation: No. Florida Telecommunications Relay, Inc.'s proposed budget (Attachment A of staff's May 4, 2000 memorandum) for fiscal year 2000-2001 should be modified to reflect a surcharge of \$.08 per access line.

Local exchange telephone companies and alternative local exchange companies should be ordered to assess an \$.08 surcharge beginning July 1, 2000.

As is the case today, the budget shall be grouped into five categories. FTRI may move amounts between these five categories not to exceed 10% of the category from which the funds are being moved; greater movement would require prior Commission authorization.

Issue 2: Should Mr. Steve Howells be named to the Telecommunications Access System Act (TASA) Advisory Committee?

Recommendation: Yes.

Issue 3: Should Mr. Frank Slater be named to the Telecommunications Access System Act (TASA) Advisory Committee?

Recommendation: Yes.

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ITEM NO.

CASE

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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.

(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: No.

DECISION: The recommendations were approved.

Commissioner Deason dissented on Issue No. 1.

Commissioners participating: Deason, Clark, Jacobs

ITEM NO.

CASE

40 DOCKET NO. 981663-WU - Application for staff-assisted rate case in Orange County by Tangerine Water Company, Inc. (Deferred from the 4/18/00 Commission Conference, revised recommendation.)

Critical Date(s): None

Commissioners Assigned: DS CL JC
Prehrg Officer JC

Staff: LEG: Clemons
WAW: Tiffany Davis, Ted Davis, Casey

Issue 1: Should the Commission grant Florida Water's Motion for Extension of Time to Comply with Commission Order?

Recommendation: Yes. The Commission should grant Florida Water's Motion for Extension of Time to Comply with Order No. PSC-99-1399-PAA-WU. The extension should be granted through September 7, 2000, or six months from the date the improvements should have been completed.

Issue 2: Should Tangerine be ordered to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for failure to complete all of the pro forma plant improvements in apparent violation of Order No. PSC-99-1399-PAA-WU, issued July 21, 1999?

Recommendation: No, a show cause proceeding should not be initiated.

Issue 3: In light of the utility's failure to timely complete the required pro forma plant improvements, what action, if any, should the Commission take with regard to the portion of the rate increase associated with the pro forma plant improvements?

Recommendation: No action should be taken at this time. However, the utility should be required to file monthly reports detailing its progress in completing the required pro forma plant improvements until all construction is completed.

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CASE

40 DOCKET NO. 981663-WU - Application for staff-assisted rate case in Orange County by Tangerine Water Company, Inc.

(Continued from previous page)

Issue 4: Should this docket be closed?

Recommendation: No, this docket should remain open to allow staff to verify that the utility has completed the required pro forma plant improvements. Once staff has verified that this work has been completed, the docket should be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Clark, Jacobs

ITEM NO.

CASE

- 41 DOCKET NO. 990696-WS - Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.
DOCKET NO. 992040-WS - Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc. (Deferred from the 2/29/00 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: ~~DS~~ ~~JC~~ ~~JB~~ **Full Commission**
Prehrg Officer DS

Staff: LEG: Cibula, VanLeuven
WAW: Rehwinkel, Redemann

Issue 1: Should the Commission grant St. Johns County's Request for Oral Argument?

Recommendation: No. The Commission should deny St. Johns County's Request for Oral Argument because it is not in compliance with Rule 25-22.058, Florida Administrative Code. However, the County should be permitted to address the Commission during the course of discussion on this item at the agenda conference since the matter has not yet been to Hearing.

Issue 2: Should DDI, Inc. and Nocatee Utility Corporation's Joint Motion to Dismiss or, in the Alternative, to Preclude Re-Litigation of Issues be granted?

Recommendation: No. Staff recommends that DDI and NUC's Joint Motion to Dismiss be denied. In addition, staff recommends that DDI and NUC's alternative request that the Commission issue an Order precluding the re-litigation of issues be denied.

Issue 3: Should the Commission grant St. Johns County's Motion to Dismiss Intercoastal Utilities, Inc.'s application?

Recommendation: No. The Commission should deny St. Johns County's Motion to Dismiss Intercoastal Utilities, Inc.'s application.

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CASE

41 DOCKET NO. 990696-WS - Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.
DOCKET NO. 992040-WS - Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

(Continued from previous page)

Issue 4: Should these dockets be closed?

Recommendation: No. If the Commission approves staff's recommendations on Issues 2 and 3, these dockets should remain open to allow these matters to proceed to hearing.

DECISION: There was no vote taken on this item. It will be set for a Special Commission Conference.

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<u>ITEM NO.</u>	<u>CASE</u>
42	<p>DOCKET NO. 990332-TP - Request for arbitration concerning complaint of Worldlink Long Distance Corp. against BellSouth Telecommunications, Inc. regarding resale agreement.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: CL JC Prehrg Officer CL</p> <p>Staff: LEG: Fordham PAI: Clark-Watts</p> <p><u>Issue 1</u>: Should the Commission grant BellSouth's Motion To Dismiss Complaint? <u>Recommendation</u>: Yes. The Commission should grant BellSouth's Motion to Dismiss Complaint. If the Commission grants BellSouth's Motion to Dismiss, its Motion for More Definite Statement will be rendered moot.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If the Commission approves staff's recommendation in Issue 1, there would be no further issues to be addressed in this Docket, and it should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Clark, Jacobs

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