

**MINUTES OF MAY 21, 2002**

**COMMISSION CONFERENCE**

**COMMENCED:** 9:35 a.m.

**ADJOURNED:** 6:20 p.m.

**COMMISSIONERS PARTICIPATING:** Chairman Jaber  
Commissioner Deason  
Commissioner Baez  
Commissioner Palecki  
Commissioner Bradley

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

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1 Approval of Minutes  
April 2, 2002 Regular Commission Conference

DECISION: The minutes were approved.

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

Minutes of May 21, 2002  
Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>																				
2**	Consent Agenda																				
PAA	A) Applications for certificates to provide alternative local exchange telecommunications service.																				
	<table><thead><tr><th><u>DOCKET NO.</u></th><th><u>COMPANY NAME</u></th></tr></thead><tbody><tr><td>020270-TX</td><td>Rightlink USA, Inc.</td></tr><tr><td>020292-TX</td><td>National Telecom &amp; Broadband Services, LLC</td></tr><tr><td>020243-TX</td><td>M/C Southern Communications, Inc.</td></tr></tbody></table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	020270-TX	Rightlink USA, Inc.	020292-TX	National Telecom & Broadband Services, LLC	020243-TX	M/C Southern Communications, Inc.												
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PAA C) Applications for certificates to provide pay telephone service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
020296-TC	Surf Bar and Cocktail Lounge, Inc.
020322-TC	JLR Communications, Inc.
020266-TC	Crescent Telephone Company, Inc.
020347-TC	Sharon Marie Clarke
020377-TC	Scott G. Melick d/b/a Online Payphone Systems

PAA D) DOCKET NO. 020123-TP - Request for transfer of ALEC Certificate No. 7448 from Progress Telecommunications Corporation to Progress Telecom Corporation; transfer of IXC Certificate No. 7058 from Caronet, Inc. to Progress Telecom Corporation; cancellation of ALEC Certificate No. 7038 held by Caronet, Inc.; and cancellation of AAV Certificate No. 5764 held by Progress Telecommunications Corporation, due to acquisition and merger of Florida Progress and Carolina Power & Light.

PAA E) DOCKET NO. 020261-TP - Request for approval of transfer of and name change on IXC Certificate No. 7695 and ALEC Certificate No. 7696 from S.F.M.&T. Inc. to Super-Tel.Com, Inc.

PAA F) DOCKET NO. 020336-TI - Request for cancellation of IXC Certificate No. 7616 by Spectracom, Inc., effective 3/20/02.

PAA G) DOCKET NO. 020113-TP - Request for cancellation of IXC Certificate No. 7995 and ALEC Certificate No. 7334 by Broadslate Networks of Florida, Inc., effective 3/31/02.

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. &amp; LOCATION</u>
020345-TC	Southeast Pay Telephone, Inc.	561-272-9071 561-272-9676 561-819-0819 Burns Linton Shell 380 W. Linton Blvd. Delray Beach
		561-272-9287 561-819-0622 Burns Linton/ Congress Shell 2100 W. Linton Blvd. Delray Beach

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

DECISION: The recommendation was approved.

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

ITEM NO.	CASE
3**	<p data-bbox="373 315 1534 493">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.</p> <p data-bbox="373 535 1534 829">Critical Date(s): Budget approval is needed for FTRI's fiscal year which begins July 1, 2002. Time is also needed to allow LECS and ALECS to effect any surcharge billing changes by July 1, 2002. In addition, the FPSC must notify Sprint of its intent to exercise the contract extension option by June 1, 2002.</p> <p data-bbox="373 861 1144 934">Commissioners Assigned: Full Commission Prehearing Officer: Deason</p> <p data-bbox="373 966 1144 1039">Staff: CMP: Salak, Moses, King, Howard GCL: Brown</p> <p data-bbox="373 1081 1534 1228"><u>ISSUE 1:</u> Should Mr. Stephen Hardy, Mr. Chris Wagner, and Mr. Harry Anderson be named to the TASA Advisory Committee? <u>RECOMMENDATION:</u> Yes. Messrs. Hardy, Wagner, and Anderson should be named to the TASA Advisory Committee.</p> <p data-bbox="373 1228 1534 1512"><u>ISSUE 2:</u> Should Florida Telecommunications Relay, Inc.'s proposed budget for the fiscal year 2002-2003 be approved effective July 1, 2002, and the TASA surcharge reduced to \$.08 per access line? <u>RECOMMENDATION:</u> Yes. Florida Telecommunications Relay, Inc.'s proposed budget (Attachment A to staff's May 9, 2002 memorandum) for fiscal year 2002-2003 should be approved and the surcharge should be reduced to \$.08 per access line.</p> <p data-bbox="373 1512 1534 1617">Local exchange telephone companies and alternative local exchange companies should be ordered to assess an \$.08 surcharge beginning July 1, 2002.</p> <p data-bbox="373 1617 1534 1795">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.</p> <p data-bbox="373 1795 1534 1869"><u>ISSUE 3:</u> Should the Commission extend its current contract with Sprint for relay services until May 31, 2005?</p>

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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)

RECOMMENDATION: Yes. Sprint's relay contract should be extended through May 31, 2005.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: No. This docket should not be closed.

DECISION: The recommendations were approved.

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

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ITEM NO.	CASE
4**	Docket No. 001502-WS - Proposed Rule 25-30.0371, F.A.C., Acquisition Adjustment. (Deferred from 12/4/01 conference; revised recommendation filed.)  Critical Date(s): None  Rule Status: Proposed  Commissioners Assigned: Full Commission Prehearing Officer: Baez  Staff: GCL: Moore, Brubaker ECR: Willis, Daniel, Hewitt  <u>ISSUE 1</u> : Should the Commission propose Rule 25-30.0371, F.A.C., governing acquisition adjustments for water and wastewater utilities? <u>PRIMARY RECOMMENDATION</u> : Yes. The Commission should propose staff's primary Rule 25-30.0371, F.A.C., which modifies existing Commission policy. <u>ALTERNATIVE RECOMMENDATION</u> : Yes. The Commission should propose staff's alternative Rule 25-30.0371, F.A.C., which codifies existing Commission policy.  <u>DECISION</u> : The primary recommendation was approved as clarified at the conference. The alternative recommendation was denied.  <u>ISSUE 2</u> : Should the rule as proposed by the Commission be filed for adoption with the Secretary of State and the docket be closed? <u>RECOMMENDATION</u> : Yes.  <u>DECISION</u> : The recommendation was approved.  Commissioners participating: Jaber, Deason, Baez, Palecki, Bradley

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<u>ITEM NO.</u>	<u>CASE</u>
5	<p>Docket No. 011368-GU - Proposed adoption of Rule 25-7.072, F.A.C., Codes of Conduct.</p> <p>Critical Date(s): None</p> <p>Rule Status: Adoption</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Jaber</p> <p>Staff: GCL: Bellak CMP: Makin ECR: Hewitt</p> <p><u>ISSUE 1</u>: Should the Commission file Rule 25-7.072 for adoption despite JAPC's objections? <u>PRIMARY RECOMMENDATION</u>: Yes. The rule should be filed for adoption. <u>ALTERNATIVE RECOMMENDATION</u>: No. The rule should not be proposed at this time.</p> <p><u>ISSUE 2</u>: If the rule is filed for adoption, should this docket be closed? <u>RECOMMENDATION</u>: Yes. The docket should be closed.</p> <p><u>Decision</u>: This item was deferred.</p>



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<u>ITEM NO.</u>	<u>CASE</u>
6**	Docket No. 020398-EQ - Proposed revisions to Rule 25-22.082, F.A.C., Selection of Generating Capacity.  Critical Date(s): None  Rule Status: Proposed  Commissioners Assigned: Full Commission Prehearing Officer: Administrative  Staff: GCL: Brown, Bellak, C. Keating CMP: Futrell ECR: Ballinger

ISSUE 1: Should the Commission schedule a rule development workshop to discuss the potential revisions to Rule 25-22.082, Florida Administrative Code, contained in Attachment A of staff's May 9, 2002 recommendation?

RECOMMENDATION: Yes. The Request For Proposals (RFP) process is a tool to be used to justify a capacity selection. The proposed revisions are an attempt to utilize this tool more effectively based upon experience gained over the past several years. Specifically, the revisions would: (1) require investor-owned utilities to issue RFPs for major (greater than 150 MW) capacity additions; (2) allow participants to submit, and require investor-owned utilities to evaluate, proposals for generating facilities that would be collocated on the utility's existing site; (3) maintain existing regulatory processes for cost recovery approval; and (4) allow bilateral contracts with terms less than three years to be exempt from the RFP process.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation in Issue 1, this docket should remain open for rulemaking proceedings.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
7**	<p>Docket No. 020262-EI - Petition to determine need for an electrical power plant in Martin County by Florida Power &amp; Light Company.</p> <p>Docket No. 020263-EI - Petition to determine need for an electrical power plant in Manatee County by Florida Power &amp; Light Company.</p> <p>Critical Date(s): 05/29/02 (Emergency rule waiver petition deemed approved if not granted or denied within 30 days of receipt.)</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Deason</p> <p>Staff: GCL: Brown, Harris ECR: Haff</p> <p><u>ISSUE 1</u>: Should the Commission grant Florida Power &amp; Light Company's emergency petition for waiver of Rule 25-22.080(2), Florida Administrative Code? <u>RECOMMENDATION</u>: Yes. Florida Power &amp; Light Company's petition satisfies the statutory and rule criteria for an emergency rule waiver.</p> <p><u>ISSUE 2</u>: Should these dockets be closed? <u>RECOMMENDATION</u>: No. These dockets should remain open.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
8**PAA	Docket No. 010908-EI - Complaint against Florida Power & Light Company regarding placement of power poles and transmission lines by Amy & Jose Gutman, Teresa Badillo, and Jeff Lessera.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

Staff: GCL: McLean  
AUS: Mills  
CAF: Raspberry

ISSUE 1: Are the power poles and other facilities associated with Florida Power & Light Company's Parkland transmission line constructed in compliance with the National Electric Safety Code?

RECOMMENDATION: Yes. The power poles and other facilities associated with Florida Power & Light Company's Parkland transmission line are constructed in compliance with the National Electric Safety Code.

ISSUE 2: Does the Commission have the authority to require Florida Power & Light Company to relocate its Parkland Line based on the concerns raised by the complainants, other than the safety concerns addressed in Issue 1?

RECOMMENDATION: No. Based on the concerns raised by the complainants, other than concerns related to safety matters within the Commission's jurisdiction which are addressed in Issue 1, the Commission does not have the authority to grant the requested relief, i.e., to require Florida Power & Light Company to relocate its Parkland Line. Therefore, the complaints should be dismissed.

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Light Company regarding placement of power poles and transmission lines by Amy & Jose Gutman, Teresa Badillo, and Jeff Lessera.

(Continued from previous page)

ISSUE 3: Should this docket be closed?

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

DECISION: The recommendations were approved with the modification to Issue 2 reflecting that the decision is final agency action.

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

<u>ITEM NO.</u>	<u>CASE</u>
8A**	<p>Docket No. 020413-SU - Initiation of show cause proceedings against Aloha Utilities, Inc. in Pasco County for failure to charge approved service availability charges, in violation of Order No. PSC-01-0326-FOF-SU and Section 367.091, Florida Statutes.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Deason</p> <p>Staff: GCL: Gervasi ECR: Fletcher, Merchant, Willis</p> <p><u>ISSUE 1</u>: Should Aloha be authorized to backbill customers for the approved service availability charges that it should have collected for connections made between May 23, 2001 and April 16, 2002, and, if not, should any such backbilled amounts collected be refunded, with interest?</p> <p><u>RECOMMENDATION</u>: Aloha should not be authorized to backbill customers for the approved service availability charges that it should have collected for connections made between May 23, 2001 and April 16, 2002. Aloha should be required to refund any such backbilled amounts received and any increased service availability charges collected prior to April 16, 2002, calculated with interest in accordance with Rule 25-30.360, Florida Administrative Code. The amount of interest should be based on the thirty-day commercial paper rate for the appropriate time period. The refund should be made within 30 days of the effective date of the final order in this docket and the utility should be required to file refund reports consistent with Rule 25-30.360, Florida Administrative Code. With respect to persons who prepaid the erroneous charge in order to reserve capacity but who did not connect to Aloha's system prior to April 16, 2002, Aloha should charge its approved \$1,650 service availability charge.</p>

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against Aloha Utilities, Inc. in Pasco County for failure to charge approved service availability charges, in violation of Order No. PSC-01-0326-FOF-SU and Section 367.091, Florida Statutes.

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ISSUE 2: Should Aloha be required to file a replacement tariff sheet reflecting its approved service availability charges, to be stamped effective for connections made on or after April 16, 2002?

RECOMMENDATION: Yes. Aloha should be required to file a replacement tariff sheet within 10 days of the effective date of the order arising from this recommendation reflecting its approved service availability charges. The tariff sheet should be stamped effective for connections made on or after April 16, 2002. However, no developer should be billed until such time as proper notice has been provided to the developer. Aloha should also be required to provide notice of the Commission's order arising from this recommendation to all developers to whom it has sent a backbilling letter and to any persons who have either requested service or inquired about service with the utility in the past 12 months. Aloha should submit the proposed notice for staff's administrative approval within 10 days of the effective date of the order.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: The docket should remain open to allow staff to file another recommendation to address Aloha's failure to timely collect the increased service availability charges and to address whether the utility should be ordered to show cause, in writing within 21 days, why it should not be fined for failure to charge its approved service availability charges and to timely file a revised tariff sheet reflecting those charges, in apparent violation of Order No. PSC-01-0326-FOF-SU and Section 367.091, Florida Statutes.

DECISION: This item was deferred.

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<u>ITEM NO.</u>	<u>CASE</u>
9**	<p>Docket No. 020325-GU - Petition for approval of tariff modifications relating to payment of bills for services rendered and payment processing arrangements entered into by customers of the Company, by Tampa Electric Company d/b/a Peoples Gas System.</p> <p>Critical Date(s): 6/9/02 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Makin, Bulecza-Banks GCL: Jaeger</p> <p><u>ISSUE 1</u>: Should the Commission grant Peoples Gas System's petition for approval of tariff modifications relating to payment of bills for services and third party payment arrangements? <u>RECOMMENDATION</u>: Yes. The Commission should grant Peoples' petition for approval of tariff modifications relating to payment of bills for services and third party payment arrangements, effective May 21, 2002, the date of the Commission's vote in this matter.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. If no protest is filed within 21 days of issuance of the Order by a person whose substantial interests are affected, the docket should be closed upon issuance of a Consummating Order.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
10**PAA	Docket No. 020129-TP - Joint petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement tariff filed by BellSouth Telecommunications, Inc. (Deferred from April 23, 2002 conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Baez

Staff: CMP: Gilchrist, Fulwood, Simmons  
GCL: Teitzman, Fudge

ISSUE 1: Should the Commission grant the Joint Petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications requesting suspension of proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc. and requesting a formal administrative hearing at this time?

RECOMMENDATION: No. Staff recommends that the Commission deny the Joint Petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications requesting suspension of the proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc. and requesting a formal administrative hearing. Staff believes that the CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc., violates the price cap provisions of Section 364.163, Florida Statutes, and is therefore invalid as filed. Consequently, the Commission should order that tariff filing T-02-0063 be canceled. If staff's recommendation is approved, a formal administrative hearing is not required on the matter at this time.

DECISION: On the Commission's own motion, the docket is to be set for hearing.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final upon the



ITEM NO.

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Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement tariff filed by BellSouth Telecommunications, Inc. (Deferred from April 23, 2002 conference; revised recommendation filed.)

(Continued from previous page)

issuance of a Consummating Order and the Docket should be closed. If BST has collected any revenues pursuant to the tariff, and the Commission approves staff's recommendation on Issue 1, then BST should refund with interest any net increase in revenues collected in accordance with the tariff. If a timely protest is filed, the Docket should remain open and the tariff should remain in effect with any net increase in revenues collected in accordance with the tariff held subject to refund pending the outcome of further proceedings. Any net increase in revenues should be calculated on a customer-specific basis.

DECISION: The recommendation was denied. Consistent with the vote in Issue 1, the docket is to remain open for the hearing process. Additionally, BellSouth agreed to hold any revenues collected subject to refund.

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

Minutes of May 21, 2002  
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<u>ITEM NO.</u>	<u>CASE</u>
11**	<p>Docket No. 020252-TP - Complaint of Florida Digital Network, Inc. against BellSouth Telecommunications, Inc. and request for emergency relief requiring BellSouth to process orders pending resolution of disputes.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Palecki</p> <p>Staff: CMP: Simmons GCL: Fordham</p> <p><u>ISSUE 1</u>: Should the Commission acknowledge the Joint Notice of Voluntary Dismissal without Prejudice? <u>RECOMMENDATION</u>: Yes. The Commission should acknowledge the Joint Voluntary Dismissal, find that the Voluntary Dismissal renders any and all outstanding motions moot, and close this Docket.</p>

DECISION: The recommendation was approved.

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



~~WAPA~~ of May 2000 No. 020146-TI - Application for certificate to  
Commission Conference

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provide interexchange telecommunications service by  
Nextelcom Corp.

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this docket should be closed upon issuance of a Consummating  
Order.

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
13**PAA	<p>Docket No. 020090-TI - Application for transfer of and name change on IXC Certificate No. 3531 from CRG International, Inc. d/b/a Network One to OneStar Communications, LLC, for cancellation of OneStar Long Distance, Inc.'s IXC Certificate No. 6042; and petition for transfer of customer bases to OneStar Communications, LLC and for waiver of IXC carrier selection requirements in Rule 25-4.118, F.A.C.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Pruitt GCL: Pena, B. Keating</p> <p><u>ISSUE 1:</u> Should the transfer of and name change on IXC Certificate No. 3531 from CRG International, Inc. d/b/a Network One to OneStar Communications, LLC be approved? <u>RECOMMENDATION:</u> Yes.</p> <p><u>ISSUE 2:</u> Should the Commission approve the transfer of the customer bases of CRG International, Inc. d/b/a Network One and OneStar Long Distance, Inc. to OneStar Communications, LLC and relieve OneStar Communications, LLC in this instance of the interexchange carrier selection requirements of Rule 25-4.118, Florida Administrative Code? <u>RECOMMENDATION:</u> Yes.</p> <p><u>ISSUE 3:</u> Should the Commission grant the request to cancel IXC Certificate No. 6042 by OneStar Long Distance, Inc.? <u>RECOMMENDATION:</u> Yes.</p> <p><u>ISSUE 4:</u> Should this docket be closed? <u>RECOMMENDATION:</u> Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of issuance of the order, this docket should be closed upon issuance of a consummating order.</p>

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
14**	<p>Docket No. 010914-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 2385 issued to World Access Communications Corp. 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 Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler GCL: Pena, B. Keating</p> <p><u>ISSUE 1</u>: Should the Commission vacate, in part, Order No. PSC-01-2405-PAA-TI and accept the settlement offer proposed by World Access Communications Corp. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies? <u>RECOMMENDATION</u>: Yes. The Commission should vacate, in part, Order No. PSC-01-2405-PAA-TC, as it pertains to this docket. In addition, the Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within fourteen (14) calendar days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 2385 should be canceled administratively. If World Access Communications Corp.'s certificate is cancelled in accordance with the Commission's Order from this recommendation, World Access Communications Corp. should be required to immediately cease and desist providing interexchange telecommunications services in Florida.</p>

ITEM NO.

CASE

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Service Commission of Interexchange Telecommunications  
Certificate No. 2385 issued to World Access Communications  
Corp. for violation of Rule 25-4.0161, F.A.C., Regulatory  
Assessment Fees; Telecommunications Companies.

(Continued from previous page)

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's  
recommendation on 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: Jaber, Deason, Baez, Palecki, Bradley

<u>ITEM NO.</u>	<u>CASE</u>
15**PAA	<p>Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Docket No. 020286-TX - Kexa Corp d/b/a Capital Exploration Docket No. 020367-TX - Exario Telecom, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler GCL: Elliott</p>

ISSUE 1: Should the Commission grant the companies listed on Attachment A of staff's May 9, 2002 memorandum a voluntary cancellation of their respective certificates?  
RECOMMENDATION: No. The Commission should not grant the companies a voluntary cancellation of their respective certificates. The Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If the certificates for each company as listed on Attachment A are cancelled in accordance with the Commission's Order from this recommendation, the respective companies should be required to immediately cease and desist providing alternative local exchange telecommunications services in Florida.

ISSUE 2: Should these dockets be closed?  
RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the Proposed Agency Action Order. These dockets



ITEM NO.

CASE

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Alternative Local Exchange Telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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should then be closed upon issuance of a Consummating 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: Jaber, Deason, Baez, Palecki, Bradley

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Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
16**PAA	<p>Cancellation by Florida Public Service Commission of IXC certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Docket No. 020291-TI - Enhanced Global Convergence Services, Inc. d/b/a eGCS Docket No. 020366-TI - Sprawlnet.com Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler GCL: Elliott, Pena, B. Keating</p>

ISSUE 1: Should the Commission grant the companies listed on Attachment A of staff's May 9, 2002 memorandum a voluntary cancellation of their respective certificates?  
RECOMMENDATION: No. The Commission should not grant the companies a voluntary cancellation of their respective certificates. The Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If the certificates for each company as listed on Attachment A are cancelled in accordance with the Commission's Order from this recommendation, the respective companies should be required to immediately cease and desist providing interexchange carrier telecommunications services in Florida.

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certificates for violation of Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the Proposed Agency Action Order. These dockets should then be closed upon issuance of a Consummating Order. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations for Docket No. 020366-TI were approved. Docket No. 020291-TI was deferred.

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

Minutes of May 21, 2002  
Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
17**PAA	<p>Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Docket No. 020289-TC - Balance, Inc. Docket No. 020361-TC - Branch Associates, Inc. Docket No. 020362-TC - Proline Communications Corporation</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler GCL: Dodson, Teitzman, Pena, B. Keating</p> <p><u>ISSUE 1</u>: Should the Commission grant the companies listed on Attachment A of staff's May 9, 2002 memorandum a voluntary cancellation of their respective certificates? <u>RECOMMENDATION</u>: No. The Commission should not grant the companies a voluntary cancellation of their respective certificates. The Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If the certificates for each company as listed on Attachment A are cancelled in accordance with the Commission's Order from this recommendation, the respective companies should be required to immediately cease and desist providing pay telephone services in Florida.</p> <p><u>ISSUE 2</u>: Should these dockets be closed? <u>RECOMMENDATION</u>: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of</p>

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Cancellation by Florida Public Service Commission of pay  
Commission Conference

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telephone certificates for violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment Fees; Telecommunications  
Companies.

(Continued from previous page)

issuance of the Proposed Agency Action Order. These dockets  
should then be closed upon issuance of a Consummating 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: Jaber, Deason, Baez, Palecki, Bradley

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<u>ITEM NO.</u>	<u>CASE</u>
18**PAA	<p>Cancellation by Florida Public Service Commission of IXC certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Docket No. 020287-TP - BroadStreet Communications, Inc. Docket No. 020363-TP - Compass Telecommunications Incorporated Docket No. 020364-TP - Metstream Communications, Inc. Docket No. 020368-TP - Arbros Communications Licensing Company S.E., LLC</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler GCL: Teitzman, Dodson, Pena, B. Keating</p> <p><u>ISSUE 1:</u> Should the Commission grant the companies listed on Attachment A of staff's May 9, 2002 memorandum a voluntary cancellation of their respective certificates? <u>RECOMMENDATION:</u> No. The Commission should not grant the companies a voluntary cancellation of their respective certificates. The Commission should cancel each company's respective certificates on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If the certificates for each company as listed on Attachment A are cancelled in accordance with the Commission's Order from this recommendation, the respective companies should be required to immediately cease and desist providing interexchange carrier and alternative local exchange telecommunications services in Florida.</p> <p><u>ISSUE 2:</u> Should these dockets be closed? <u>RECOMMENDATION:</u> The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the Proposed Agency Action Order. These dockets should then be closed upon issuance of a Consummating Order.</p>

~~Minute~~ ~~Order~~ of May 21, 2002 by Florida Public Service Commission of IXC  
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CASE

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certificates for violation of Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

A protest in one docket should not prevent the action in a  
separate docket from becoming final.

DECISION: The recommendations were approved.

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

Minutes of May 21, 2002  
Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
19**	<p>Docket No. 011014-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 3505 issued to XO Florida, 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 Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler GCL: Elliott</p> <p><u>ISSUE 1</u>: Should the Commission accept the settlement offer proposed by XO Florida, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies? <u>RECOMMENDATION</u>: Yes. The Commission should accept the company's settlement proposal to work with staff to insure that future regulatory assessment fees are timely and accurately filed.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.</p>

DECISION: The recommendations were approved.

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





ITEM NO.

CASE

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Service Commission of Interexchange Telecommunications  
Certificate No. 7814 issued to West End Communications Inc.  
for apparent violations of Rules 25-4.0161(1), F.A.C.,  
Regulatory Assessment Fees; Telecommunications Companies;  
25-4.043, F.A.C., Response to Commission Staff Inquiries;  
and 25-24.480(2), F.A.C., Records and Reports; Rules  
Incorporated.

(Continued from previous page)

shall be forwarded to the Office of the Comptroller for  
collection.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation  
will become final upon issuance of a Consummating Order,  
unless a person whose substantial interests are affected by  
the Commission's decision files a protest within 21 days of  
the issuance of the proposed agency action order. This  
docket should then be closed and West End's IXC Certificate  
No. 7814 should be canceled.

DECISION: The recommendations were approved.

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

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Commission Conference

ITEM NO.	CASE
21**PAA	Docket No. 020385-TI - Cancellation by Florida Public Service Commission of Interexchange Certificate No. 7233 issued to Sterling Time Company d/b/a STC for apparent violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees, 25-4.043, F.A.C., Response to Commission Staff Inquiries, and 25-24.480, F.A.C., Records and Reports, Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Deason

Staff: CMP: Buys  
GCL: Dodson

ISSUE 1: Should the Commission cancel IXC Certificate No. 7233 issued to Sterling Time Company, Inc. d/b/a STC for apparent violation of Rule Nos. 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, and 25-24.480, Florida Administrative Code, Records and Reports, Rules Incorporated?

RECOMMENDATION: Yes. Staff recommends that the Commission should cancel IXC Certificate No. 7233 issued to STC for apparent violation of Rule Nos. 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, and 25-24.480, Florida Administrative Code, Records and Reports, Rules Incorporated. If the Proposed Agency Action Order is not protested within 21 days of issuance, the company's certificate should be cancelled administratively upon issuance of the Consummating Order. If STC's certificate is cancelled in accordance with the Commission's Order from this recommendation, STC should be required to immediately cease and desist providing IXC telecommunications services in Florida. If the past due regulatory assessment fees, including statutory penalty and interest charges, are not received within fourteen calendar days after issuance of the Consummating Order, the amount

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Service Commission of Interexchange Certificate No. 7233 issued to Sterling Time Company d/b/a STC for apparent violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees, 25-4.043, F.A.C., Response to Commission Staff Inquiries, and 25-24.480, F.A.C., Records and Reports, Rules Incorporated.

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shall be forwarded to the Office of the Comptroller for collection.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. This docket should then be closed and IXC Certificate No. 7233 should be cancelled.

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
22**PAA	<p>Bankruptcy cancellation by the Florida Public Service Commission of interexchange telecommunications certificates.</p> <p>Docket No. 020328-TP - Network Plus, Inc. d/b/a Hale and Father, Inc. Docket No. 020356-TP - Easton Telecom Services Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler GCL: Teitzman, Dodson</p> <p><u>ISSUE 1</u>: Should the Commission grant the companies listed on Attachment A of staff's May 9, 2002 memorandum a cancellation of their respective certificates due to bankruptcy?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should grant each company listed on Attachment A a bankruptcy cancellation of their respective certificates with an effective date as listed on Attachment A. In addition, the Division of the Commission Clerk and Administrative Services will be notified that the unpaid RAFs, including statutory penalty and interest charges, should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write off the uncollectible amount should be requested. If the certificates for each company as listed on Attachment A are cancelled in accordance with the Commission's Order from this recommendation, the respective companies should be required to immediately cease and desist providing IXC and ALEC telecommunications services in Florida.</p> <p><u>ISSUE 2</u>: Should these dockets be closed?</p> <p><u>RECOMMENDATION</u>: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of</p>

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CASE

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Commission of interexchange telecommunications certificates.

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the issuance of the Proposed Agency Action Order. The dockets should then be closed upon issuance of a Consummating 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: Jaber, Deason, Baez, Palecki, Bradley

Minutes of May 21, 2002  
Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
23**	<p>Docket No. 020295-EQ - Petition for approval of standard offer contract based on 2005 combined cycle avoided unit and accompanying Rate Schedule COG-2, by Florida Power Corporation.</p> <p>Critical Date(s): 6/1/02 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: ECR: Colson, Springer GCL: Espinoza</p> <p><u>ISSUE 1</u>: Should the Commission suspend Florida Power Corporation's (FPC) proposed tariff revisions which were filed as part of FPC's petition for approval of its new Standard Offer Contract? <u>RECOMMENDATION</u>: Yes. The Commission should suspend FPC's proposed Standard Offer Contract 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 petition.</p>

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
24**PAA	Docket No. 020164-EQ - Petition by Florida Power Corporation for approval of agreement with Cedar Brakes IV, LLC to restructure three existing cogeneration contracts with a total capacity of 184 megawatts.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Palecki

Staff: ECR: Harlow, Haff, Bohrmann, Lee  
GCL: Gervasi

ISSUE 1: Should the Commission approve the Agreement between Florida Power Corporation and Cedar Brakes IV, LLC, to restructure three existing cogeneration contracts, including approval for cost recovery?

RECOMMENDATION: Yes. Capacity payments will be discounted for the term of each contract resulting in ratepayer savings in excess of \$34 million, net present value. Per unit energy payments may also be reduced, and are forecasted to be no higher than current per unit energy payments. There is no up-front payment associated with this Agreement. Additional liquidated damage language is included in the Agreement to insure delivery of energy to FPC when called upon. The costs associated with this Agreement, on a going-forward basis, should be recovered through the Fuel and Purchased Power Recovery Clause, and the Capacity Cost Recovery Clause. Consistent with Order No. PSC-99-1623-PAA-EQ, it is premature for the Commission to make any pronouncement regarding the future treatment of any stranded costs associated with this Agreement.



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CASE

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Corporation for approval of agreement with Cedar Brakes IV, LLC to restructure three existing cogeneration contracts with a total capacity of 184 megawatts.

(Continued from previous page)

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

Minutes of May 21, 2002  
Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
25**PAA	<p>Docket No. 011605-EI - Review of investor-owned electric utilities' risk management policies and procedures.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Palecki</p> <p>Staff: ECR: McNulty, Bohrmann GCL: C. Keating</p> <p><u>ISSUE 1</u>: For the period March 1999 to March 2001, did FPL take reasonable steps to manage the risk associated with changes in natural gas prices? <u>RECOMMENDATION</u>: Yes. Based upon FPL's expectations of future changes in natural gas prices and the regulatory treatment of its fuel procurement activities, FPL took reasonable steps to manage the risk associated with changes in natural gas prices.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: No. If no person whose substantial interests are affected by the Commission's proposed agency action on Issue 1 files a protest within 21 days of the issuance of the order, the Commission's proposed agency action shall become final upon issuance of a consummating order. However, the docket shall remain open to address the remaining issues established in this docket.</p>

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
26**PAA	<p>Docket No. 020112-EI - Request for waiver of Rule 25-6.1353, F.A.C., concerning 2002 forecasted earnings surveillance report, by Florida Power Corporation.</p> <p>Critical Date(s): 5/21/02 (Utility granted one-day extension, so petition will be deemed approved if not granted or denied within 91 days of receipt.)</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Baez</p> <p>Staff: ECR: Slemkewicz GCL: Jaeger</p> <p><u>ISSUE 1</u>: Should Florida Power Corporation's request for a waiver of Rule 25-6.1353, Florida Administrative Code, be granted? <u>RECOMMENDATION</u>: Yes. The Commission should grant Florida Power Corporation's request for waiver of the requirement established by Rule 25-6.1353, Florida Administrative Code, for it to file a forecasted earnings surveillance report for calendar year 2002. With this waiver, Florida Power Corporation will not have to file the 2002 report.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. A consummating order should be issued, and this docket should be closed if no person whose substantial interests are affected by the proposed action files a protest within the 21-day protest period.</p>

DECISION: The recommendations were approved.

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

Minutes of May 21, 2002  
Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
27**PAA	Docket No. 020147-EU - Joint petition of Tampa Electric Company and Withlacoochee River Electric Cooperative, Inc. for approval of customer transfers to conform to territorial boundaries and for other relief.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Palecki

Staff: GCL: Stern  
ECR: Breman

ISSUE 1: Should the Joint Petition of Tampa Electric Company and Withlacoochee River Electric Cooperative, Inc. for Approval of Customer Transfers to Conform to Territorial Boundaries and For Other Relief be approved?

RECOMMENDATION: Yes. The Petition should be approved and the territorial agreement should be reaffirmed in all other respects.

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.

DECISION: The recommendations were approved.

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

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Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
28**	<p>Docket No. 020284-EI - Petition for approval of 2002 revisions to underground residential and small commercial/industrial distribution tariffs by Florida Power &amp; Light Company.</p> <p>Critical Date(s): 5/31/02 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: ECR: E. Draper, Breman CMP: Yambor GCL: Echternacht</p> <p><u>ISSUE 1</u>: Should the Commission approve FPL's updated tariff sheets and charges associated with the installation of underground residential distribution facilities? <u>RECOMMENDATION</u>: Yes. The Commission should approve FPL's updated tariff sheets and charges associated with the installation of underground residential distribution facilities.</p> <p><u>ISSUE 2</u>: Should the Commission approve FPL's revised tariff sheets and charges associated with the installation of underground commercial/industrial distribution facilities? <u>RECOMMENDATION</u>: Yes. The Commission should approve FPL's revised tariff sheets and charges associated with the installation of underground commercial/industrial distribution facilities.</p> <p><u>ISSUE 3</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. If Issues 1 and 2 are approved, this tariff should become effective on May 21, 2002. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect with any increase held subject to refund pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.</p>

DECISION: The recommendations were approved.

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

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Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
29**	<p>Docket No. 970409-SU - Initiation of limited proceeding to restructure wastewater rates for Florida Water Service Corporation's Tropical Isles service area in St. Lucie County.</p> <p>Docket No. 011634-SU - Application by Florida Water Services Corporation for transfer of facilities and attendant assets of Tropical Isles Wastewater Plant to Tropical Isles Utilities Corporation, a Florida not-for-profit corporation, and for cancellation of Certificate No. 482-S in St. Lucie County.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Baez (970409) Jaber (011634)</p> <p>Staff: ECR: Brady, Redemann, Kaproth GCL: Fudge, Gervasi</p> <p><u>ISSUE 1</u>: Should the transfer of facilities and attendant assets of Florida Water Services Corporation's Tropical Isles Wastewater Plant to Tropical Isles Utilities Corporation be approved?</p> <p><u>RECOMMENDATION</u>: Yes. The transfer to Tropical Isles Utilities Corporation, an exempt entity pursuant to Section 367.022(7), Florida Statutes, should be approved and Certificate No. 482-S should be cancelled effective July 16, 2001. Tropical Isles Utilities Corporation, or any successors in interest, should be put on notice that if there is a change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022, Florida Statutes, it should inform the Commission.</p>

~~Minutes of May 20, 2000~~ Docket No. 970409-SU - Initiation of limited proceeding to Commission Conference

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CASE

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restructure wastewater rates for Florida Water Service Corporation's Tropical Isles service area in St. Lucie County.

Docket No. 011634-SU - Application by Florida Water Services Corporation for transfer of facilities and attendant assets of Tropical Isles Wastewater Plant to Tropical Isles Utilities Corporation, a Florida not-for-profit corporation, and for cancellation of Certificate No. 482-S in St. Lucie County.

(Continued from previous page)

ISSUE 2: Should Docket No. 970409-SU and Docket No. 011634-SU be closed?

RECOMMENDATION: Yes. No further action is required in Dockets Nos. 970409-SU and 011634-SU. Therefore, Dockets Nos. 970409-SU and 011634-SU should be closed.

DECISION: The recommendations were approved.

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





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Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
31**PAA	<p>Docket No. 011190-SU - Investigation of possible overearnings by Tierre Verde Utilities, Inc. in Pinellas County.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Deason</p> <p>Staff: ECR: Kyle, Merchant GCL: Harris</p> <p><u>ISSUE 1</u>: Should the Commission accept the settlement offer proposed by Tierre Verde Utilities, Inc.? <u>RECOMMENDATION</u>: Yes.</p> <p><u>ISSUE 2</u>: Should the utility be released from its corporate undertaking in the amount of \$25,000? <u>RECOMMENDATION</u>: Yes. The utility should be released from its corporate undertaking after providing evidence acceptable to staff that it has issued refunds to customers in accordance with the settlement agreement.</p> <p><u>ISSUE 3</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. If no timely protest is filed by a substantially affected party, this docket should be closed upon the issuance of a consummating order.</p>

DECISION: The recommendations were approved.

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

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Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
31A**PAA	<p>Docket No. 020414-EI - Petition of Tampa Electric Company for expedited approval of energy charge treatment under optional provision contract with IMC Phosphates MP Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: ECR: Wheeler, Draper, Bohrmann GCL: Harris</p> <p><u>ISSUE 1</u>: Should the Commission approve the contract between Tampa Electric Company and IMC for the facilitation of optional provision purchases of electric power? <u>RECOMMENDATION</u>: Yes.</p> <p><u>DECISION</u>: The recommendation was approved with the modification that paragraphs 6a and 6b were approved based on IMC's assurance that if a cross-subsidy is found, the ratepayers will be made whole. TECO will make an after-the-fact filing demonstrating no harm to the ratepayers. Additionally, relief is applied prospectively from the day of this vote.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.</p> <p><u>DECISION</u>: The recommendation was denied. The docket is to remain open pending receipt of TECO's true-up filing.</p> <p>Commissioners participating: Jaber, Deason, Baez, Palecki, Bradley</p>

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<u>ITEM NO.</u>	<u>CASE</u>
32**	<p>Docket No. 020054-TP - Emergency joint application for approval of assignment of assets and AAV/ALEC Certificate No. 4025 and IXC Certificate No. 2699 from Winstar Wireless, Inc. to Winstar Communications, LLC.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Deason, Baez, Bradley Prehearing Officer: Bradley</p> <p>Staff: CMP: Williams GCL: Fordham</p> <p><u>ISSUE 1</u>: Should the Commission grant Winstar's Motion to Dismiss Verizon's Protest of PAA Order No. PSC-02-0321-PAA-TP?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should grant Winstar's Motion to Dismiss Verizon's Protest of PAA Order No. PSC-02-0321-PAA-TP and Order No. PSC-02-0321-PAA-TP should be reinstated as a final order effective as of the date of the Commission's vote.</p> <p><u>ISSUE 2</u>: Should this Docket be closed?</p> <p><u>RECOMMENDATION</u>: Yes. If the Commission accepts staff's recommendation in Issue 1, there would be no further action required on this Docket and it should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Baez, Bradley

<u>ITEM NO.</u>	<u>CASE</u>
33	<p>Docket No. 010743-TL - Petition for review of proposed numbering plan relief for the 407/321 area codes by Neustar, Inc., as North American Numbering Plan Administrator (NANPA), on behalf of Florida telecommunications industry.</p> <p>Critical Date(s): 7/15/02 (The new area code, 689, goes into effect.)</p> <p>Commissioners Assigned: Deason, Palecki, Bradley Prehearing Officer: Deason</p> <p>Staff: CMP: Ileri, Casey GCL: Fordham</p> <p><u>ISSUE 4</u>: What type of mechanisms, not previously considered, if any, should the Commission approve to address Volusia County's area code and local dialing issues, and if so, when?</p> <p><u>RECOMMENDATION</u>: Based on the evidence in the record, it appears that there are no viable mechanisms to address Volusia County's area code and local dialing issues. Hence, the Commission should take no action at this time.</p> <p><u>ISSUE 5</u>: Pursuant to the Florida Statutes, FCC delegated authority, or both, does the Commission have the authority to require telecommunications carriers to place 386 numbers in their Sanford exchange to allow customers in the Osteen area to get new lines and migrate their existing services to the 386 numbers?</p> <p><u>RECOMMENDATION</u>: Yes. Pursuant to the Florida Statutes, FCC delegated authority, or both, the Commission does have the authority to require telecommunications carriers to place 386 numbers in their Sanford exchange to allow customers in the Osteen area to get new lines and migrate their existing services to the 386 numbers.</p> <p><u>ISSUE 6</u>: Should this docket be closed?</p> <p><u>RECOMMENDATION</u>: If staff's recommendation in Issue 4 is approved, there would be no remaining issues and the docket should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Palecki, Bradley

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Commission Conference

<u>ITEM NO.</u>	<u>CASE</u>
34**	<p>Docket No. 010743-TL - Petition for review of proposed numbering plan relief for the 407/321 area codes by Neustar, Inc., as North American Numbering Plan Administrator (NANPA), on behalf of Florida telecommunications industry.</p> <p>Critical Date(s): 7/15/02 (The new area code, 689, goes into effect.)</p> <p>Commissioners Assigned: Deason, Palecki, Bradley Prehearing Officer: Deason</p> <p>Staff: CMP: Ileri, Casey GCL: Fordham</p> <p><u>ISSUE 1</u>: Should the Commission suspend the implementation of the third overlay area code, 689, over the existing 407/321 area codes? <u>RECOMMENDATION</u>: Yes. Staff recommends that the Commission suspend the implementation of the third overlay area code, 689, over the existing 407/321 area codes. Staff also recommends that the Commission direct NANPA to officially inform the Commission when the exhaust of available 407 NXX is within one year.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. Staff recommends that this docket be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Palecki, Bradley

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35	<p>Docket No. 010795-TP - Petition by Sprint Communications Company Limited Partnership for arbitration with Verizon Florida Inc. pursuant to Section 251/252 of the Telecommunications Act of 1996. (Deferred from April 2, 2002 conference.)</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Baez, Palecki, Bradley Prehearing Officer: Baez</p> <p>Staff: CMP: Fulwood, Barrett GCL: Teitzman, Banks</p> <p><u>LEGAL ISSUE A</u>: What is the Commission's jurisdiction in this matter?</p> <p><u>RECOMMENDATION</u>: Staff believes that the Commission has jurisdiction pursuant to Chapter 364, Florida Statutes, and Section 252 of the Federal Telecommunications Act of 1996 (Act) to arbitrate interconnection agreements, and may implement the processes and procedures necessary to do so in accordance with Section 120.80 (13) (d), Florida Statutes. Section 252 of the Act states that a State Commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions required. This section requires this Commission to conclude the resolution of any unresolved issues not later than nine months after the date on which the ILEC received the request under this section. In this case, however, the parties have explicitly waived the nine-month requirement set forth in the Act.</p> <p>Further, Section 252(e) of the Act reserves the state's authority to impose additional conditions and terms in an arbitration not inconsistent with the Act and its interpretation by the FCC and the courts.</p> <p><u>ISSUE 1</u>: In the new Sprint/Verizon interconnection agreement:</p> <ul style="list-style-type: none"><li>(A) For the purposes of reciprocal compensation, how should local traffic be defined?</li><li>(B) What language should be included to properly reflect the FCC's recent ISP Remand Order?</li></ul> <p><u>RECOMMENDATION</u>: For the purposes of reciprocal compensation, the jurisdiction of calls dialed via 00- or</p>

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7/10D should be defined based upon the end points of a call. Thus, calls dialed in this manner, which originate and terminate in the same local calling area, should be defined as local traffic.

ISSUE 2: For the purposes of the new Sprint/Verizon interconnection agreement:

- (A) Should Sprint be permitted to utilize multi-jurisdictional interconnection trunks?
- (B) Should reciprocal compensation apply to calls from one Verizon customer to another Verizon customer, that originate and terminate on Verizon's network within the same local calling area, utilizing Sprint's "00-" dial around feature?

RECOMMENDATION: (A) Until such time that Sprint demonstrates to Verizon or this Commission that its billing system can separate multi-jurisdictional traffic transported on the same facility, staff recommends that Sprint should not be allowed to utilize multi-jurisdictional trunks. Staff trusts that Sprint will work cooperatively with Verizon and the Ordering and Billing Forum on its billing system.

(B) Staff recommends that when Sprint demonstrates to Verizon or this Commission that its billing system can separate multi-jurisdictional traffic transported on the same facility, Sprint's proposal for compensation should apply to "00-" calls that originate and terminate on Verizon's network within the same local calling area.

ISSUE 3: For the purposes of the new Sprint/Verizon interconnection agreement, should Verizon be required to provide custom calling/vertical features, on a stand-alone basis, to Sprint at wholesale discount rates?

RECOMMENDATION: Yes. Verizon should be required to provide custom calling/vertical features, on a stand-alone basis, to Sprint. The provision of these services should be at

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Verizon's current wholesale discount rate for all resold services, 13.04%. The current wholesale discount rate should apply until such time as Verizon may choose to calculate, and this Commission approves, an avoided cost calculation that specifically addresses stand-alone custom calling features.

ISSUE 12: Should changes made to Verizon's Commission-approved collocation tariffs, made subsequent to the filing of the new Sprint/Verizon interconnection agreement, supercede the terms set forth at the filing of this agreement?

RECOMMENDATION: Yes. Staff recommends that changes made to Verizon's Commission-approved collocation tariffs, made subsequent to the filing of the new Sprint/Verizon interconnection agreement, should supercede the terms set forth at the filing of this agreement. Staff recommends that this be accomplished by including specific reference to the Verizon collocation tariffs in the parties' interconnection agreement. However, staff believes that Sprint shall retain the right, when it deems appropriate, to contest any future Verizon collocation tariff revisions by filing a petition with the Commission.

ISSUE 15: For the purposes of the new interconnection agreement, should Sprint be required to permit Verizon to collocate equipment in Sprint's central offices?

RECOMMENDATION: Staff recommends that Sprint should not be required to allow Verizon to collocate its equipment in Sprint central offices when Sprint is not the incumbent local exchange carrier. However, staff believes that the parties should negotiate, since Verizon proposes a reasonable means to reduce the amount of transport involved in interconnection.

ISSUE 17: Should this docket be closed?



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RECOMMENDATION: No. The parties should be required to submit a signed agreement that complies with the Commission's decisions in this docket for approval within 30 days of issuance of the Commission's Order. This docket should remain open pending Commission approval of the final arbitrated agreement in accordance with Section 252 of the Telecommunications Act of 1996.

DECISION: This item was deferred.