

MINUTES OF
COMMISSION CONFERENCE, TUESDAY, MAY 29, 2001
COMMENCED: 9:30 a.m.
ADJOURNED: 2:45 p.m.

COMMISSIONERS PRESENT: Chairman Jacobs
Commissioner Deason
Commissioner Jaber
Commissioner Baez
Commissioner Palecki

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

1 Approval of Minutes
April 18, 2001 Special Commission Conference

DECISION: The minutes were approved.

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

2** Consent Agenda

A) Request for approval of resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010471-TP	BellSouth Telecommunications, Inc.; Credit Loans, Inc. d/b/a Lone Star State Telephone Co.	07/11/01

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010323-TP	Metrolink Internet Services of Port Saint Lucie, Inc.; Verizon Florida Inc.	06/11/01
010344-TP	Sprint-Florida, Incorporated; Time Warner Telecom of Florida, L.P.	06/18/01

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2**	Consent Agenda

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DOCKET NO.	COMPANY NAME	CRITICAL DATE
010520-TP	BellSouth Telecommunications, Inc.; Phone-Link, Inc.	07/16/01

C) Request for approval of renegotiated interconnection, unbundling, resale, and collocation agreement.

DOCKET NO.	COMPANY NAME	CRITICAL DATE
010472-TP	BellSouth Telecommunications, Inc.; Network Access Solutions Corporation	07/11/01

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

DOCKET NO.	COMPANY NAME	CRITICAL DATE
010436-TP	BellSouth Telecommunications, Inc.; XSPEDIUS Corp.	07/10/01
010456-TP	BellSouth Telecommunications, Inc.; XSPEDIUS Corp.	07/10/01
010470-TP	BellSouth Telecommunications, Inc.; Metro FiberLink, Inc.	07/11/01
010489-TP	BellSouth Telecommunications, Inc.; Essex Communications, Inc. d/b/a eLEC Communications	07/12/01
010491-TP	BellSouth Telecommunications, Inc.; Navigator Telecommunications, LLC.	07/12/01

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2** Consent Agenda

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E) Request for approval of amendment to adopted interconnection, unbundling, and resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010490-TP	BellSouth Telecommunications, Inc.; LightSource Telecom I, LLC	07/12/01

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010419-TP	Level 3 Communications, LLC; Verizon Florida Inc.	07/05/01

G) Request for approval of amendment to resale agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010405-TP	BellSouth Telecommunications, Inc.; NOW Communications, Inc. d/b/a Tel-Link	07/05/01

H) Request for approval of amendment to collocation agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010404-TP	BellSouth Telecommunications, Inc.; XO Florida, Inc.	07/05/01

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

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ITEM NO. CASE

2** Consent Agenda

(Continued from previous page)

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
010651-TC	Sprint-Florida, Incorporated	941-337-3754 941-337-3697 941-337-1890 Gas & Snack 2612 Edison Ave. Fort Myers

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010338-TX	Robert E. Jones
010380-TX	Hosting-Network, Inc.
010347-TX	Dynergy CLEC Communications, Inc.

PAA K) Request for cancellation of interexchange telecommunications certificate.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CERT. NO.</u>	<u>EFFECTIVE DATE</u>
010567-TI	EQuality, Inc.	3195	3/9/01

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010579-TC	Sovicha Corp.
010663-TC	Boulevard Hotel, Inc.
010643-TC	Hornblower Marine Services, Inc.

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<u>ITEM NO.</u>	<u>CASE</u>
2**	Consent Agenda (Continued from previous page)
PAA	M) DOCKET NO. 010376-TI - Notification of corporate restructure and reorganization whereby CommuniGroup, Inc. (holder of IXC Certificate No. 5726) is now the holding company of its wholly owned operating subsidiary, CommuniGroup of Jackson, Inc., and request for approval of transfer of and name change on Certificate 5726 from CommuniGroup, Inc. to CommuniGroup of Jackson, Inc. d/b/a CommuniGroup.

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

DECISION: The recommendation was approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
3**	<p>DOCKET NO. 990546-TL - Approval of IntraLATA Toll Dialing Parity Plans.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer JC</p> <p>Staff: CMP: Audu LEG: Banks</p>
PAA	<p><u>ISSUE 1</u>: Should the Commission approve the intraLATA toll dialing parity plan submitted by Urban Media of Florida, Inc.?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should approve the intraLATA toll dialing parity plan submitted by Urban Media of Florida, Inc.</p> <p><u>ISSUE 2</u>: Should the Commission direct staff to administratively approve intraLATA toll dialing parity plans that are consistent with the provisions of Order No. PSC-99-1255-PAA-TP?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should direct staff to administratively approve all future intraLATA toll dialing parity plans filed with the Commission that are consistent with the Commission's decision in Order No. PSC-99-1255-PAA-TP and approve the amendment to the Administrative Procedures Manual shown on Attachment 2 of staff's May 17, 2001 memorandum.</p> <p><u>ISSUE 3</u>: Should this docket be closed?</p> <p><u>RECOMMENDATION</u>: Yes. This docket may be closed upon issuance of a Consummating Order if no person whose substantial interests are affected files a protest to Issue 1 within 21 days of the issuance date of the PAA Order. If a timely protest is filed, the docket should remain open pending the outcome of further proceedings.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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4**PAA

DOCKET NO. 010565-TL - Petition for expedited review of the North American Numbering Plan Administration's (NANPA) decision to deny BellSouth's request for use of central office code numbering resources or NXX codes in Orlando exchange or rate center, by BellSouth Telecommunications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Brown
LEG: Christensen

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

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

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

5**PAA

DOCKET NO. 000536-TP - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 2967 and Alternative Local Exchange Telecommunications Certificate No. 7156 issued to Cleartel Communications, Inc. For violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

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

ISSUE 1: Should the Commission grant Cleartel Communications, Inc. a voluntary cancellation of its IXC Certificate No. 2967?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its IXC certificate. The Commission should cancel the company's IXC Certificate No. 2967 on its own motion, effective May 2, 2000. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should the Commission grant the company's request to keep its ALEC Certificate No. 7156 active?

RECOMMENDATION: No. The Commission should deny the company's request to keep its ALEC certificate active. Instead, the Commission should impose a \$500 fine or cancel the company's ALEC certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's Certificate No. 7156 should be cancelled administratively and the collection of the past due fees should be referred

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5**PAA

DOCKET NO. 000536-TP - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 2967 and Alternative Local Exchange Telecommunications Certificate No. 7156 issued to Cleartel Communications, Inc. For violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

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to the Office of the Comptroller for further collection efforts.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. The docket should then be closed upon receipt of the fine and fees or cancellation of the certificates.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

6**PAA

DOCKET NO. 010107-EI - Request for approval to begin depreciating Martin Simple Cycle Expansion Project by use of Whole Life Depreciation Rates currently approved for Martin Power Plant, Unit No. 4 and Common effective with in-service dates of units, by Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer BZ

Staff: ECR: P. Lee, Gardner
LEG: Hart
SER: Futrell

ISSUE 1: Should new depreciation rates be approved for Florida Power & Light's Martin Simple Cycle Expansion Project?

RECOMMENDATION: Yes. The whole life depreciation rates shown on Attachment A, page 5 of staff's memorandum dated May 17, 2001, should be approved for the combustion turbines being installed at the Martin site, pending a comprehensive study in 2002. The rates reflect those underlying the currently prescribed remaining life rates for Martin Common and Unit No. 4.

ISSUE 2: What should be the implementation date for depreciation rates for the Martin Simple Cycle Unit?

RECOMMENDATION: Staff recommends approval of FPL's proposal that depreciation rates be implemented effective with the in-service date of June 1, 2001.

ISSUE 3: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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7**

DOCKET NO. 010443-EI - Petition for approval of Wireless Internet Service (WIS-1) Rate and Service Agreement by Florida Power & Light Company.

Critical Date(s): 6/4/01 (60-day suspension)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: E. Draper
LEG: Hart

ISSUE 1: Should the Commission suspend Florida Power & Light Company's (FPL) proposed Wireless Internet Service (WIS-1) rate?

RECOMMENDATION: Yes.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. The docket should remain open pending a final decision on the tariff.

DECISION: The recommendations were approved.

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

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8**

DOCKET NO. 010345-TP - Petition by AT&T Communications of the Southern States, Inc., TCG South Florida, and MediaOne Florida Telecommunications, Inc. for structural separation of BellSouth Telecommunications, Inc. into two distinct wholesale and retail corporate subsidiaries.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer PL

Staff: LEG: Fudge
CMP: Logue

ISSUE 1: Should the Commission set this docket for a Commission workshop?

RECOMMENDATION: Yes. The Commission should set this docket for a Commission workshop as soon as scheduling permits.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

9**

DOCKET NO. 010197-TI - Initiation of show cause proceedings against Sprint Communications Company, Limited Partnership d/b/a Sprint for apparent violation of Rule 25-22.032(5)(a), F.A.C., Customer Complaints.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Christensen
CAF: Lowery
CMP: K. Craig

ISSUE 1: Should the Commission accept the settlement offer proposed by Sprint to resolve the show cause proceedings for its apparent violation of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints?

RECOMMENDATION: Yes. Staff recommends that the Commission accept Sprint's settlement proposal of a \$12,000 voluntary contribution and assurance that the company will implement measures to ensure future compliance. The voluntary contribution should be received by the Commission within ten business days of the issuance date of an Order approving the settlement offer and should include the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation on Issue 1, this docket should remain open pending remittance of the \$12,000 voluntary contribution. Upon staff's verification of receipt of the voluntary contribution, this docket should be closed administratively.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
10**	DOCKET NO. 010194-TI - Initiation of show cause proceedings against Quintelco, Inc. for apparent violation of Rule 25-22.032(5)(a), F.A.C., Customer Complaints.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Fordham
CAF: Lowery
CMP: K. Craig

ISSUE 1: Should the Commission cancel Quintelco's IXC Certificate No. 5449 for its apparent violation of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints?

RECOMMENDATION: Yes. Staff recommends that the Commission should upon its own motion cancel Quintelco's IXC Certificate No. 5449 for its apparent violation of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints. Quintelco has waived its right to object to the involuntary cancellation of its certificate, currently serves no customers in Florida, and has resolved all outstanding consumer complaints. Therefore, Certificate No. 5449 should be canceled effective on the issuance date of the Order.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If staff's recommendation in Issue 1 is approved, Quintelco's IXC Certificate No. 5449 will be involuntarily canceled upon issuance of the Order and this docket should be closed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

11**

DOCKET NO. 001329-TI - Initiation of show cause proceedings against Radiant Telecom, Inc. for apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries, 25-24.480, F.A.C., Records & Reports; Rules Incorporated, 25-24.915, F.A.C., Tariffs and Price Lists, 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Banks
CMP: M. Watts, Trubelhorn

ISSUE 1: Should the Commission accept the revised settlement offer proposed by Radiant Telecom, Inc. to resolve the apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries, 25-24.480, F.A.C., Records & Reports; Rules Incorporated, 25-24.915, F.A.C., Tariffs and Price Lists, 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal, which includes a \$7,500 voluntary contribution to the General Revenue Fund, paid prematurely on October 2, 2000. The contribution was forwarded to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. The company has waived any objections to the administrative cancellation of Certificate Number 6098 in the event its offer is approved by the Commission and it fails to comply with the terms of its settlement offer.

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CASE

11**

DOCKET NO. 001329-TI - Initiation of show cause proceedings against Radiant Telecom, Inc. for apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries, 25-24.480, F.A.C., Records & Reports; Rules Incorporated, 25-24.915, F.A.C., Tariffs and Price Lists, 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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PAA

ISSUE 2: Should the Commission accept Radiant Telecom, Inc.'s offer of refund and refund calculation of \$32,887.61, plus interest of \$2,492.27, for a total of \$35,379.88, for overcharging customers for charges not disclosed at the point of sale between January 1, 1999, and October 31, 2000?

RECOMMENDATION: Yes. The Commission should accept Radiant's calculation of \$32,887.61, adding interest of \$2,492.27, for a total of \$35,379.88, and its proposal to remit the refund amount by July 31, 2001, to the Commission to be forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes, for overcharging customers for charges not disclosed in its tariff or at the point of sale between January 1, 1999, and October 31, 2000. The refund should be forwarded to the Comptroller for deposit in the General Revenue Fund, since the company has no records that would identify its end customers and therefore cannot refund the overcharges directly. Radiant should submit a final report as required by Rule 25-4.114, Florida Administrative Code, Refunds, by July 31, 2001.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. With the approval of Issues 1 and 2, this docket should remain open pending the completion of the

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11**

DOCKET NO. 001329-TI - Initiation of show cause proceedings against Radiant Telecom, Inc. for apparent violation of Rules 25-4.043, F.A.C., Response to Commission Staff Inquiries, 25-24.480, F.A.C., Records & Reports; Rules Incorporated, 25-24.915, F.A.C., Tariffs and Price Lists, 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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refund and receipt of the final report on the refund. Thereafter, this docket should be closed upon issuance of an Order consummating Issue 2, if no person whose substantial interests are affected files a protest of Issue 2. If the company fails to comply with the terms of its settlement offer and the Commission Order, Certificate Number 6098 should be canceled administratively, and this docket should be closed if no person whose substantial interests are affected files a protest of Issue 2.

DECISION: The recommendations were approved.

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

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CASE

12**

DOCKET NO. 010131-TX - Initiation of show cause proceedings against Golden Harbor of Florida, Inc. d/b/a Hometown Telephone of Florida, Inc. for apparent violation of Section 364.183(1), FS, Access to Company Records.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: LEG: Christensen
CMP: K. Craig

ISSUE 1: Should the Commission cancel Hometown's ALEC Certificate No. 5211 for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?
RECOMMENDATION: Yes. Staff recommends that the Commission should upon its own motion cancel Hometown's ALEC Certificate No. 5211 for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records. Hometown has waived its right to object to the cancellation of its certificate, and currently serves no customers in Florida. Therefore, Certificate No. 5211 should be canceled effective on the issuance date of the Order.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation on Issue 1, Hometown's ALEC Certificate No. 5211 will be involuntarily canceled upon issuance of the Order and this docket should be closed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

13**

DOCKET NO. 010126-TX - Initiation of show cause proceedings against Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida 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: B. Keating
CMP: K. Craig

ISSUE 1: Should the Commission order Cellular One to show cause why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records?

RECOMMENDATION: Yes. The Commission should order Cellular One to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 or have its certificate canceled for apparent failure to provide the Commission access to information in accordance with Section 364.183(1), Florida Statutes, Access to Company Records. The company's response should contain specific allegations of fact and law. If Cellular One fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts shall be deemed admitted, the right to a hearing waived, and the fine shall be deemed assessed. If Cellular One pays the fine, it should be remitted to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. If the company fails to respond to the Order to Show Cause, and the fine is not paid within ten business days after the expiration of the show cause response period, Certificate No. 5181 shall be canceled and this docket closed.

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13**

DOCKET NO. 010126-TX - Initiation of show cause proceedings against Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida for apparent violation of Section 364.183(1), F.S., Access to Company Records.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation on Issue 1 is approved and Cellular One timely responds to the show cause order, this docket should remain open pending the resolution of the show cause proceedings.

Staff recommends that if Cellular One fails to respond to the Order to Show Cause within the 21-day show cause response period and the fine is not received within ten business days after the expiration of the show cause response period, the company's certificate should be canceled and this docket may be closed administratively. If the company pays the fine recommended in Issue 1, the docket should be closed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

13A**

DOCKET NO. 001148-EI - Review of Florida Power & Light Company's proposed merger with Entergy Corporation, the formation of a Florida transmission company ("Florida transco"), and their effect on FPL's retail rates.
DOCKET NO. 010577-EI - Review of Tampa Electric Company and impact of its participation in GridFlorida, a Florida Transmission Company, on TECO's retail ratepayers.
DOCKET NO. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehrg Officer DS (010577)

Prehrg Officer BZ (000824, 001148)

Staff: PAI: Shafer, Miller, Trapp
LEG: Elias, C. Keating, Walker
ECR: Mailhot, Devlin
SER: Floyd, Ballinger, Jenkins

ISSUE 1: Should the Commission grant the Joint Motion to establish a separate generic docket to determine, on an expedited basis, the prudence of the formation of and the participation by FPC, FP&L, and TECO in the GridFlorida RTO?
RECOMMENDATION: No, the motion should be denied. While the form of the RTO was determined through a collaborative process, the impacts on each utility will depend on its unique transmission use and cost characteristics. Prudence of each utility's participation in the RTO will require utility specific data, essentially identical to what has been ordered to be filed in Dockets 000824-EI and 001148-EI. A separate docket would neither expedite the process nor provide a meaningful forum for assessing individual company impact on retail ratepayers.

If, however, the Commission decides to conduct a generic proceeding, the Commission should require each utility (FPC, FP&L, and TECO) to file a separate petition, along with direct testimony and exhibits, specifically addressing the cost-effectiveness to its ratepayers of its participation in GridFlorida. Each filing should also include specific

ITEM NO.

CASE

13A**

DOCKET NO. 001148-EI - Review of Florida Power & Light Company's proposed merger with Entergy Corporation, the formation of a Florida transmission company ("Florida transco"), and their effect on FPL's retail rates.
DOCKET NO. 010577-EI - Review of Tampa Electric Company and impact of its participation in GridFlorida, a Florida Transmission Company, on TECO's retail ratepayers.
DOCKET NO. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

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requests for affirmative relief. All work papers, supporting documentation, assumptions, and documents reviewed in preparation for the filing should be made available to all parties at the time of the filing. Discovery should be expedited. The Commission should commit to making a decision on the petitions within 90 days of the filing of complete testimony and exhibits. The results of the Commission's decision regarding each utility's participation in GridFlorida should be incorporated into the current rate review dockets initiated for FPC and FP&L and in any rate review docket opened in the future for TECO.

DECISION: The Commission denied the motion to establish a separate proceeding and granted the motion to expedite a decision on transmission in GridFlorida. Each company shall file a specific request within thirty days of today's vote. The companies shall file supporting testimony and exhibits within sixty days of today's vote. The Commission shall render its decision within ninety days of filing of the supporting testimony and exhibits.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No.

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
14**	<p>DOCKET NO. 010382-SU - Application for transfer of Certificate No. 515-S in Polk County from ABCA, Inc. to West Lakeland Utilities, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer JB</p> <p>Staff: RGO: Brady LEG: Crosby, Gervasi</p> <p><u>ISSUE 1</u>: Should the transfer of Certificate No. 515-S from ABCA, Inc. to West Lakeland Utilities, Inc. be approved? <u>RECOMMENDATION</u>: Yes. The transfer should be approved. The territory being transferred is described in Attachment A of staff's May 17, 2001 memorandum. ABCA should be responsible for 2001 regulatory assessment fees up to the date of closing on the sales contract. West Lakeland should be responsible for annual reports and regulatory assessment fees from the date of closing forward. Within 30 days from the date of closing, West Lakeland should provide proof that it owns the land upon which the utility treatment facilities are located or a copy of an agreement which provides for the continued use of the land.</p>
PAA	<p><u>ISSUE 2</u>: What is the rate base of ABCA, Inc., at the time of the transfer? <u>RECOMMENDATION</u>: Rate base for transfer purposes is \$31,392 as established by Order No. PSC-00-1163-PAA-SU as of June 30, 1999.</p>
PAA	<p><u>ISSUE 3</u>: Should an acquisition adjustment be approved? <u>RECOMMENDATION</u>: No. An acquisition adjustment should not be included in the calculation of rate base for transfer purposes.</p> <p><u>ISSUE 4</u>: Should the rates and charges approved for ABCA, Inc., be continued? <u>RECOMMENDATION</u>: Yes. The rates and charges approved for the utility should be continued until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting the transfer should be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets.</p>

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14**

DOCKET NO. 010382-SU - Application for transfer of Certificate No. 515-S in Polk County from ABCA, Inc. to West Lakeland Utilities, Inc.

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RECOMMENDATION: No. If no timely protest is received to the proposed agency action issues, upon the expiration of the protest period a Consummating Order should be issued. The docket should remain open for receipt of proof that West Lakeland owns the land upon which the utility treatment facilities are located or a copy of an agreement which provides for the continued use of the land. Upon receipt and verification of such proof, the docket should be administratively closed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

15**

DOCKET NO. 991486-WU - Investigation into retention of certificated area of Ellis & Company, Ltd. (Holiday Mall) by Floralino Properties, Inc. in Pasco County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer PL

Staff: RGO: Walden
LEG: Christensen

ISSUE 1: Should the Commission delete certain territory authorized in Floralino Properties, Inc.'s Certificate No. 153-W, encompassing Holiday Mall?

RECOMMENDATION: Yes. Staff recommends that the Commission delete the territory encompassed by Holiday Mall from Floralino Properties, Inc.'s Certificate No. 153-W. The effective date of the deletion should be November 28, 2001, or 10 days after notice that the interconnection with Pasco County has been completed, whichever is earlier. The utility should be required to file the appropriate revised tariff sheets reflecting the deletion of territory within 30 days of the issuance date of the Order, and the tariffs should be stamped approved upon staff's verification that the interconnection with the County has been completed.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. The docket should be administratively closed upon staff's verification that the interconnection with the County has been completed.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

16**

DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.
DOCKET NO. 990457-TL - Request for review of proposed numbering plan relief for the 954 area code.

Critical Date(s): 10/1/01 (exhaust date for the 305 area code)
10/1/02 (exhaust date for the 954 area code)

Commissioners Assigned: JC DS BZ
Prehrg Officer DS

Staff: CMP: Ileri, Casey
LEG: B. Keating, Fordham

ISSUE 1: Should the Commission establish implementation dates for the 954 NPA?

PRIMARY RECOMMENDATION: Yes. Staff recommends that the Commission approve the industry's consensus proposal (Option two) and establish implementation dates for the 954 NPA by initiating permissive 7 or 10-digit dialing in the 954 NPA, and concurrent mandatory 10-digit dialing in the new 754 NPA overlay immediately after receiving a Federal Communication Commission (FCC) temporary waiver of 47 C.F.R. 52.19(c)(3)(ii). The Commission should also approve the filing of a petition to the FCC for a temporary waiver of 47 C.F.R. 52.19(c)(3)(ii) in the 954 NPA (Attachment A of staff's May 17, 2001 memorandum).

ALTERNATIVE RECOMMENDATION: No. Staff recommends that the Commission approve the industry's Option one with modifications. In lieu of establishing implementation dates for the 954 NPA, staff recommends that the Commission change the Broward -> Palm Beach one-way northbound EAS routes from 7 to 1+10-digit dialing, and the Palm Beach -> Broward one-way southbound EAS routes from 7 to 10-digit dialing to eliminate the code conflicts between Palm Beach and Broward Counties and provide needed numbering resources to carriers and customers. Staff also recommends that the EAS

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DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.
DOCKET NO. 990457-TL - Request for review of proposed numbering plan relief for the 954 area code.

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permissive and mandatory 1+10-digit dialing in Broward County and that the EAS permissive and mandatory 10-digit dialing in Palm Beach County should begin 60 days and 120 days, respectively, after the issuance of the Commission's order. In addition, once the results of the number conservation measures are determined by the Pooling Administrator and the North American Numbering Plan Administration, staff should file recommended implementation dates for the 954 and 754 area codes.

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

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

ISSUE 3: Should these dockets be closed?

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

DECISION: This item was deferred to the June 12, 2001 Commission Conference.

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CASE

17**PAA

DOCKET NO. 980992-WS - Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.
DOCKET NO. 981609-WS - Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

Critical Date(s): 5/31/01 (Settlement Agreement becomes null and void unless approved with modification by this date.)

Commissioners Assigned: JC DS PL
Prehrg Officer DS

Staff: LEG: Cibula, Gervasi
ECR: Fletcher, Merchant

ISSUE 1: Should the parties' Joint Motion for Approval and Adoption of Settlement Agreement be granted?
RECOMMENDATION: Yes. The Joint Motion for Approval and Adoption of Settlement Agreement should be granted and the Settlement Agreement (Agreement) should be approved in its entirety. The Agreement states that if the Commission does not approve Southlake's Application for Transfer of Majority Organizational Control (Transfer Application) filed in Docket No. 010507-WS, the Agreement will become null and void. The effective date for the Agreement should be the last to occur of the following: (1) the date of expiration of all protests and appeals of the Commission Order approving the Agreement; and (2) the date of the expiration of all protests and appeals of the Commission Order approving the Transfer Application. Pursuant to the terms of the Agreement, the amount of the AFPI refunds should be set as of the effective date, and interest on the AFPI refunds should commence accruing 30 days after the effective date. The rate of the interest should be as set forth in Rule 25-30.360, Florida Administrative Code. Southlake should provide the refunds in exchange for and conditioned upon receipt of releases within 90 days of the effective date. Moreover, consistent with the final approval of the Agreement, Southlake's water and wastewater AFPI Tariff

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DOCKET NO. 980992-WS - Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.
DOCKET NO. 981609-WS - Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

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Sheets Nos. 39 and 36 should be canceled. The appropriate prospective water plant capacity charge should be \$433 per residential equivalent residential connection (ERC) with a 1.24 per gallon charge for all others, and the appropriate prospective wastewater plant capacity charge should be \$970 per residential ERC with a \$3.23 per gallon charge for all others. The utility's water Tariff Sheet No. 31.0 and wastewater Tariff Sheet No. 28.0 should be revised as discussed in the analysis portion of staff's May 17, 2001 memorandum. The utility should file the appropriate revised tariff sheets within 10 days of the effective date of the Agreement. Staff should be given administrative authority to approve the revised tariff sheets upon staff's verification that the tariff is consistent with the Commission's decision. If the revised tariff sheets are filed and approved, the tariff sheets should become effective on or after the stamped approval date. Within 20 days of the Commission's decision made at the agenda conference, the utility should provide notice of the Commission's decision to all persons in the service area who are affected by the prospective water and wastewater plant capacity charges, the Commission's decision on the refunds, and the discontinuance of Southlake's AFPI charges. The notice should be approved by Commission staff prior to distribution. The utility should provide proof that the appropriate customers or developers have received notice within ten days of the date of the notice.

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17**PAA	DOCKET NO. 980992-WS - Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges. DOCKET NO. 981609-WS - Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No. These dockets should remain open pending the Commission's decision in Docket No. 010507-WS, concerning Southlake's Transfer Application. Provided the Transfer Application is approved, staff will verify that Southlake has filed revised tariff sheets consistent with the Commission's decision and that the utility has made the proper refunds of AFPI charges. Upon expiration of the protest period, if no timely protest is received, the Order should become final and effective upon the issuance of a Consummating Order. Provided the Transfer Application is approved, upon staff's verification that the utility's revised tariff is consistent with the Commission's decision and that the proper refunds have been made, these dockets should be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Palecki

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CASE

18 DOCKET NO. 000731-TP - Petition by AT&T Communications of the Southern States, Inc. d/b/a AT&T for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. pursuant to 47 U.S.C. Section 252. (Deferred from May 15, 2001 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: JC BZ PL
 Prehrg Officer BZ

Staff: LEG: Fordham, Fudge
 CMP: Barrett, Fulwood, Watts, Bloom, Audu, Hinton
 RGO: Vinson, Broussard, Duffey, Fisher

(Participation is limited to Commissioners and staff.)

ISSUE A: Should AT&T's Motion to Supplement Hearing Record be granted?

RECOMMENDATION: Yes. AT&T's Motion to Supplement Hearing Record should be granted.

ISSUE B: Should AT&T's Motion to Clarify Position and Supplement Post-Hearing Brief be granted?

RECOMMENDATION: Yes. AT&T's Motion to Clarify Position and Supplement Post-Hearing Brief should be granted.

ISSUE 4: What does "currently combines" mean as that phrase is used in 47 C.F.R. §51.315(b)?

RECOMMENDATION: The phrase "currently combines" pursuant to FCC Rule 51.315(b) is limited to combinations of unbundled network elements that are, in fact, already combined and physically connected in BellSouth's network to serve a specific customer or location at the time a requesting carrier places an order. In other words, there is no physical work that BellSouth must complete in order to effect the combination that the requesting telecommunications carrier requests.

ISSUE 5: Should BellSouth be permitted to charge AT&T a "glue charge" when BellSouth combines network elements?

RECOMMENDATION: Yes. BellSouth should be compensated for the work it does to physically combine unbundled network elements that an ALEC requests when those elements are not "currently combined" within BellSouth's network.

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ISSUE 6: Under what rates, terms, and conditions may AT&T purchase network elements or combinations to replace services currently purchased from BellSouth tariffs?

RECOMMENDATION: AT&T should be required to satisfy any and all contractual obligations with BellSouth, including termination liability considerations, prior to purchasing network elements or combinations to replace services currently purchased from BellSouth tariffs.

ISSUE 7: How should AT&T and BellSouth interconnect their networks in order to originate and complete calls to end-users?

RECOMMENDATION: The evidence and testimony in the record of this proceeding, when weighed against the opinions, rules, and orders of the FCC, dictate that for purposes of this arbitration, AT&T be permitted to designate a single interconnection point (POI) per LATA for the mutual exchange of traffic, with both parties assuming financial responsibility for bringing their traffic to the AT&T-designated interconnection point.

ISSUE 8: What terms and conditions, and what separate rates if any, should apply for AT&T to gain access to and use BellSouth facilities to serve multi-unit installations?

RECOMMENDATION: In order for AT&T to gain access to and use BellSouth facilities to serve multi-unit installations, AT&T should request from BellSouth that an "ALEC-access terminal" be established for it to accommodate the necessary connections. Additionally, staff recommends that BellSouth provision the "ALEC-access terminal" to AT&T within ten calendar days, or in a mutually agreed upon alternative timeframe. BellSouth should not permit other ALECs to access the "ALEC-access terminal" installed by it for AT&T,

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without AT&T's approval. Consistent with its testimony, BellSouth should be required to unbundle its INC and NTW, and relinquish the first NTW pair to AT&T, unless BellSouth is using the first pair to provision service. The appropriate rates for all of the subloop elements are the rates proposed by BellSouth in witness Ruscilli's Attachment JAR-1 of Exhibit 17.

ISSUE 11: Should BellSouth be allowed to aggregate lines provided to multiple locations of a single customer to restrict AT&T's ability to purchase local circuit switching at UNE rates to serve any of the lines of that customer?

RECOMMENDATION: Yes. BellSouth should be allowed to aggregate lines provided to multiple locations of a single customer, within the same MSA, to restrict AT&T's ability to purchase local circuit switching at UNE rates to serve any of the lines of that customer.

ISSUE 12: Should AT&T be permitted to charge tandem rate elements when its switch serves a geographic area comparable to that served by BellSouth's tandem switch?

RECOMMENDATION: Staff recommends that AT&T, based upon the record in this proceeding, is not entitled to the tandem rate for the purposes of reciprocal compensation. Although the evidence in the record may indicate that geographic coverage alone may determine eligibility for the tandem rate, AT&T has failed to show that it meets this criterion. Therefore, staff believes any policy decision regarding the functionality/geography test is better left to the generic docket presently addressing this issue.

ISSUE 19: When AT&T and BellSouth have adjoining facilities in a building outside BellSouth's central office, should AT&T be able to purchase cross connect facilities to connect to BellSouth or other ALEC networks without having to collocate in BellSouth's portion of the building?

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RECOMMENDATION: Yes. AT&T should be able to purchase cross connect facilities to connect to BellSouth without having to collocate in BellSouth's portion of the building, but only in the six "condominium arrangement" buildings in Florida. In all other circumstances, AT&T should be required to establish collocation arrangements in order to connect to BellSouth or other ALEC networks.

ISSUE 20: Is conducting a statewide investigation of criminal history records for each AT&T employee or agent being considered to work on a BellSouth premises a security measure that BellSouth may impose on AT&T?

RECOMMENDATION: No. The Commission should deny BellSouth's proposal but should require AT&T to conduct criminal background checks on AT&T's employees and agents who have been with the company for less than two years, who will work on BellSouth's premises.

ISSUE 23: Has BellSouth provided sufficient customized routing in accordance with State and Federal law to allow it to avoid providing Operator Services/Directory Assistance ("OS/DA") as a UNE?

RECOMMENDATION: Yes. Subject to the conditions recommended in Issue 25, BellSouth provides sufficient customized routing in accordance with State and Federal law to allow it to avoid providing OS/DA as a UNE.

ISSUE 25: What procedure should be established for AT&T to obtain loop-port combinations (UNE-P) using both Infrastructure and Customer Specific Provisioning?

RECOMMENDATION: The Commission should allow AT&T to establish a geographic footprint area at either the regional, state or LATA levels. Also, the Commission should find that AT&T is entitled to one or more customized routing options within a chosen geographic footprint. Staff further recommends that BellSouth should be required to either

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accept AT&T's local service requests (LSRs) with an indicator denoting a specific routing option when AT&T has more than one routing option within a footprint area, or BellSouth should provide AT&T with access to its line class codes assignment module (LCCAM) through website posting. This website should be updated as new line class codes (LCCs) are added to the database.

ISSUE 27: Should the Commission or a third party commercial arbitrator resolve disputes under the Interconnection Agreement?

RECOMMENDATION: The Commission should resolve disputes under the Interconnection Agreement.

ISSUE 30: Should the Change Control Process (CCP) be sufficiently comprehensive to ensure that there are processes to handle, at a minimum the following situations:

- a) introduction of new electronic interfaces?
- b) retirement of existing interfaces?
- c) exceptions to the process?
- d) documentation, including training?
- e) defect correction?
- f) emergency changes (defect correction)?
- g) an eight step cycle, repeated monthly?
- h) a firm schedule for notifications associated with changes initiated by BellSouth?
- i) a process for dispute resolution, including referral to state utility commissions or courts?
- j) a process for the escalation of changes in process?

RECOMMENDATION: Staff's Recommendations are set forth in the following sub-parts:

- a)-d) Settled.
- e) Yes, the CCP should be sufficiently comprehensive to ensure that there are processes to handle defect corrections. Defect correction should be handled

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18 DOCKET NO. 000731-TP - Petition by AT&T Communications of the Southern States, Inc. d/b/a AT&T for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. pursuant to 47 U.S.C. Section 252. (Deferred from May 15, 2001 Commission Conference.)

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- expeditiously. Staff recommends that BellSouth response intervals Medium impact defects be shortened from those set forth in Version 2.1 of the CCP manual. See detailed discussion text in staff's May 3, 2001 memorandum concerning recommended intervals.
- f) Settled.
 - g) Yes, the CCP should be sufficiently comprehensive to ensure that there are processes to handle a monthly eight-step cycle. The current eight-step cycle is adequate. However, staff recommends shortening the time periods within Steps 3 and 7 of the cycle. See detailed discussion text in staff's memorandum concerning recommended intervals. Staff believes the frequency of current quarterly prioritizations of Change Requests is adequate.
 - h) Yes, the CCP should be sufficiently comprehensive to ensure that there are processes for a firm schedule of notifications associated with changes initiated by BellSouth. BellSouth should follow a firm schedule of notifications associated with changes initiated by BellSouth and others. Moreover, BellSouth should be required to adhere to the CCP manual in its entirety. The parties now agree on procedure for introduction of new interfaces. With settlement of sub-issue (a) above, the disagreements within sub-issue (h) will be mitigated.
 - i) Yes, the CCP should be sufficiently comprehensive to ensure that there are processes for a process for dispute resolution, including referral to state utility commissions or courts. An adequate dispute resolution process exists under Section 8 of the CCP manual.
 - j) Settled.

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ISSUE 31: What should be the resolution of the following OSS issues currently pending in the change control process but not yet provided?

- (a) Parsed customer service records for pre-ordering?
- (b) Ability to submit orders electronically for all services and elements?
- (c) Electronic processing after electronic ordering, without subsequent manual processing by BellSouth personnel?

RECOMMENDATION: Staff's recommendation is set forth in the following subparts:

- (a) Staff recommends: (1) The issue of providing parsed CSRs continue to be addressed and resolved in the Change Control Process (CCP); (2) BellSouth should be required to provide parsed pre-ordering information at the same level required for an LSR by December 31, 2001; and (3) BellSouth should be required to provide field delimiters and associated rules for parsing CSRs.
- (b) Staff recommends the issue of submitting orders electronically for all services and elements should continue to be addressed and resolved through the CCP.
- (c) Staff recommends the issue of providing electronic processing after electronic ordering, without subsequent manual processing by BellSouth personnel, should continue to be addressed and resolved in the CCP.

ISSUE 32: Should BellSouth provide AT&T with the ability to access, via EBI/ECTA, the full functionality available to BellSouth from TAFI and WFA?

RECOMMENDATION: If AT&T desires to integrate full TAFI functionality into ECTA on a non-industry standard basis,

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staff recommends that AT&T present a formal BonaFide Request to BellSouth and pay for the added functionality desired. Staff further recommends that BellSouth be required to expedite AT&T's request and implement the requested additional functionality within 12 months from the date of AT&T's request.

Staff additionally recommends the Commission order BellSouth to integrate future TAFI and industry standard M&R functionality into ECTA as industry standards allow, and make this improved functionality available to ALECs within one year from the date the standards become publicly available.

ISSUE 33: Should AT&T be allowed to share the spectrum on a local loop for voice and data when AT&T purchases a loop/port combination and, if so, under what rates, terms, and conditions?

RECOMMENDATION: Yes. Staff recommends that BellSouth should be required to allow AT&T access to the spectrums on a local loop for voice and data when AT&T purchases a loop/port combination, alternatively referred to as "line splitting." In order to facilitate "line splitting," BellSouth should be obligated to provide an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment, and unbundled circuit switching combined with shared transport at TELRIC rates. However, BellSouth should not be required to provide the splitter. Staff also recommends that BellSouth should be obligated to coordinate with AT&T the following procedures associated with the transfer of service: disconnection of the unbundled network element-platform, connection of the loop to AT&T's or the sharing data provider's collocation space, connection of the switch port to AT&T's or the sharing data provider's collocation space, and associating the switch port with

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shared transport. Staff notes that BellSouth should only be required to maintain one customer of record per loop; thus, BellSouth should only be obligated to accept loop transactions from one ALEC per loop.

ISSUE 34: What are the appropriate rates and charges for unbundled network elements and combinations of network elements?

RECOMMENDATION: The appropriate rates and charges for unbundled network elements and combinations of network elements were deferred to Docket No. 990649-TP with the exception of line sharing. The appropriate rates for line sharing, for the purposes of this arbitration proceeding, are those proposed by BellSouth.

ISSUE 35: Should this docket be closed?

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 arbitration agreement in accordance with Section 252 of the Telecommunications Act of 1996.

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DECISION: The recommendations were approved with modifications to the following issues:

- 8: The recommendation was modified to indicate that BellSouth provision the "ALEC-access terminal" to AT&T within ~~ten~~ **five** calendar days, or in a mutually agreed upon alternative timeframe.
- 11: The recommendation was denied. BellSouth shall be permitted to aggregate on a per location basis to disparate customer locations.

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30:	The recommendation was approved with the addition of language suggested by Chairman Jacobs at the conference.
33:	The recommendation was approved as clarified at the conference.

Commissioners participating: Jacobs, Baez, Palecki

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19	<p>DOCKET NO. 000907-TP - Petition by Level 3 Communications, LLC for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: JB BZ Prehrg Officer JB</p> <p>Staff: CMP: Hinton LEG: Banks</p> <p>(Participation is limited to Commissioners and staff.) <u>ISSUE 1</u>: Should the Commission approve the interconnection agreement between BellSouth and Level 3? <u>RECOMMENDATION</u>: Yes. The Commission should approve the interconnection agreement between BellSouth and Level 3. <u>ISSUE 2</u>: Should the Joint Motion for Extension of Time filed by BellSouth and Level 3 be granted? <u>RECOMMENDATION</u>: Yes. The Joint Motion for Extension of Time filed by BellSouth and Level 3 should be granted. <u>ISSUE 3</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. Docket No. 000907-TP should be closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Baez

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