

MINUTES OF
COMMISSION CONFERENCE NOVEMBER 6, 2001

COMMENCED: 9:35 a.m.

ADJOURNED: 1:05 p.m.

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

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

1 Approval of Minutes
 October 2, 2001 Regular Commission Conference

DECISION: The minutes were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
2**	Consent Agenda
PAA	A) Request for exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
011287-TC	BellSouth Public Communications, Inc.	386-274-1072 386-274-5803 Lil' Champ #6511 799 Bill France Dr. Daytona Beach

B) Docket No. 011324-EI - Tampa Electric Company's application for authority to issue and sell securities for the twelve-month period beginning January 1, 2002 and ending December 31, 2002. The Company seeks approval pursuant to Chapter 25-8, Florida Administrative Code, and Section 366.04, Florida Statutes, for authority to issue and sell long-term debt and equity securities, as well as short-term debt. In addition, the Company also seeks authority to enter into interest rate swaps or other derivative instruments on debt securities and notes. The amount of all long-term debt and equity securities issued will not exceed \$1 billion. The Company also proposes to issue short-term debt to be sold in the commercial paper market, the total amount of commercial paper not to exceed \$500 million.

For monitoring purposes, this docket must remain open until April 15, 2003, to allow the Company time to file the required Consummation Report.

C) Docket No. 011340-EI - Application of Florida Power & Light Company (FP&L or Company) for approval pursuant to Chapter 25-8, Florida Administrative Code, and Section 366.04, Florida Statutes, to issue, sell and/or exchange any combination of long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser or surety in an aggregate amount not to exceed \$3.3 billion during calendar year 2002. FP&L also seeks

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Consent Agenda

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authority to enter into forward refunding or forward swap contracts during calendar year 2002, and in conjunction with these forward contracts, FP&L seeks authority to issue and sell \$5.4 million of securities through December 31, 2002. In addition, FP&L seeks authority to issue and sell short-term securities during calendar years 2002 and 2003 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at any time of the sale will not exceed 25% of FP&L's gross revenues during the preceding twelve months of operations.

For monitoring purposes, this docket must remain open until April 15, 2003, to allow the Company time to file the required Consummation Report.

- D) DOCKET NO. 011345-GU - Application by the Florida Division of Chesapeake Utilities Corporation (Chesapeake or Company) for authorization pursuant to Chapter 25-8, Florida Administrative Code, and Section 366.04, Florida Statutes, to issue common stock, preferred stock, and secured and/or unsecured debt, and to exceed limitation placed on short-term borrowings in 2002. Chesapeake requests authorization to issue up to 6,000,000 shares of Chesapeake common stock; up to 1,000,000 shares of Chesapeake preferred stock; and up to \$80 million in secured and/or unsecured debt. In addition, the Company requests authority to exceed the limitation placed on short-term borrowings by Section 366.04, Florida Statutes, so as to issue short-term obligations in an amount not to exceed \$40 million.

For monitoring purposes, this docket must remain open until April 15, 2003, to allow the Company time to file the required Consummation Report.

PAA

- E) Applications for certificates to provide alternative local exchange telecommunications service.

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2** Consent Agenda

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
011237-TX	Calpoint (Florida), LLC
011346-TX	Fair Financial LLC d/b/a Midstate Telecommunications
010978-TX	CityNet Telecom, Inc.

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
011180-TI	X2Comm, Inc. d/b/a Direct Connect Communications
010550-TI	Intertoll Communication Network Corporation
011212-TI	Power-Finder West Communications, LLC
011236-TI	Calpoint (Florida), LLC
011330-TI	VirtualCom, Inc.
011339-TI	Phonel, Inc.
011201-TI	Lockheed Martin Global Telecommunications Services, Inc.
011198-TI	FONECO LLC
011240-TI	TalkNow, Inc.

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
011326-TC	Transcommunications Incorporated

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2** Consent Agenda

(Continued from previous page)

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
011159-TC	Columbia County Board of County Commissioners
011357-TC	Florida River Packing, Inc.

PAA H) Application for certificate to provide shared tenant services.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
011376-TS	Transparent Technology Services Corporation

PAA I) DOCKET NO. 011341-TA - Application for transfer of AAV Certificate No. 3172 (with ALEC authority) from Comcast Telephony Communications of Florida, Inc. to Comcast Business Communications, Inc.

PAA J) DOCKET NO. 011334-TA - Request for cancellation of Alternative Access Vendor (with Alternative Local Exchange Telecommunications authority) Certificate No. 3118 by Comcast MH Telephony Communications of Florida, Inc., effective 8/8/01.

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
011332-TX	Network Access Solutions Corporation	7/17/01

PAA L) DOCKET NO. 011335-TI - Request for cancellation of Interexchange Telecommunications Certificate No. 3554 by Vista International Communications, Inc., effective 8/17/01.

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2**

Consent Agenda

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DOCKET NO. 011241-TI - Request for cancellation of Interexchange Telecommunications Certificate No. 7447 by Hotel Connect Management, Inc., effective 9/25/01.

DOCKET NO. 011331-TI - Request for cancellation of IXC Certificate No. 3165 by Hertz Technologies, Inc., effective 9/30/01.

RECOMMENDATION: The Commission should approve the action requested in the dockets referenced above and close these dockets, with the exception of Dockets Nos. 011324-EI, 011340-EI, and 011345-GU, which must remain open for monitoring purposes.

DECISION: The recommendation was approved.

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

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3**

Docket No. 010810-TP - Petition by MCI WorldCom Communications, Inc. and MCImetro Access Transmission Services, LLC to initiate rulemaking pursuant to Section 364.01 and 364.03, F.S., to Mandate Use of Electronic Authorization as a Permissible Method for Consumers to Lift Preferred Carrier Freezes.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: APP: Moore
CAF: Johnson
CMP: Moses

ISSUE 1: Should the Commission acknowledge WorldCom's withdrawal of its Petition to Initiate Rulemaking and close the docket?

RECOMMENDATION: Yes.

DECISION: The recommendation was approved.

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

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ITEM NO.

CASE

4**PAA

Docket No. 011381-TL - Investigation into BellSouth Telecommunications, Inc.'s tariff filing (T-01786) to establish the Keys Exchange.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Baez

Staff: CMP: Simmons, Casey
LEG: B. Keating, Christensen
RGO: Daniel

ISSUE 1: Should BellSouth's tariff filing of July 16, 2001 (T-010786) to establish the new Keys exchange be canceled?
RECOMMENDATION: Yes. BellSouth's tariff filing of July 16, 2001 (T-010786) to establish the new Keys exchange should be canceled. BellSouth should be required to make a new tariff filing which sets basic rates for the Keys exchange at the present weighted average monthly rates calculated across the existing seven exchanges, using access lines as weights. The calculations of the weighted average monthly rates should exclude the Extended Area Service (EAS) additive for the Big Pine Key exchange. BellSouth should be strongly encouraged to make this tariff filing within 15 days of the Commission's order.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation in Issue 1, the resulting decision should be issued as a Proposed Agency Action. The Docket should, however, remain open in order for BellSouth to make a new tariff filing. Commission staff should be given administrative authority to close the docket if the new tariff filing is consistent with the Commission's decision and if no person whose substantial interests are affected timely files a protest of the Commission's decision within 21 days of the issuance of the Commission's Proposed Agency Action Order.

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4**PAA

Docket No. 011381-TL - Investigation into BellSouth Telecommunications, Inc.'s tariff filing (T-01786) to establish the Keys Exchange.

(Continued from previous page)

If the Commission denies staff's recommendation in Issue 1 and BellSouth's tariff is not cancelled, the Commission need only close this docket as a procedural matter, since the Commission would have found the tariff consistent with the law.

DECISION: This item was deferred.

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ITEM NO.

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5**PAA

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

Docket No. 011063-TI - Lyxom, Inc

Docket No. 011064-TI - Cypress Communications, Inc. d/b/a Cypress Communications of South Florida, Inc.

Docket No. 011068-TI - Com Tech International Corporation d/b/a Communication International Corp. d/b/a CTIC

Docket No. 011070-TI - VCOM.COM Corporation

Docket No. 011072-TI - Ntegrity Telecontent Services Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Administrative

Staff: CMP: Isler

LEG: Knight, Elliott, K. Pena, B. Keating

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on Attachment A of staff's October 25, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on Attachment A if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificate numbers listed on Attachment A should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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ITEM NO.

CASE

5**PAA

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

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

6**PAA

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

Docket No. 011043-TI - Resort Hospitality Services, Ltd.

Docket No. 011046-TI - DONTEL International L.L.C.

Docket No. 011054-TI - Interloop, Inc.

Docket No. 011056-TI - CyberSentry, Inc.

Docket No. 011057-TI - Tel-Phone Communications, Inc.

Docket No. 011059-TI - USA Digital, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Administrative

Staff: CMP: Isler

LEG: K. Pena, B. Keating, Elliott

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on Attachment A of staff's October 25, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's certificate as listed on Attachment A if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificate numbers listed on Attachment A should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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6**PAA

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

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

7**PAA

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

Docket No. 010527-TC - Metrophone Telecommunications Incorporated

Docket No. 010603-TC - Radio Communications Corporation

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Administrative

Staff: CMP: Isler

LEG: K. Pena, B. Keating, Elliott

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on Attachment A of staff's October 25, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies and Section 350.113, Florida Statutes?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on Attachment A if the fine and the 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 statutory penalty and interest charges are not received, the certificate numbers listed on Attachment A should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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ITEM NO.

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7**PAA

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

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

8**PAA

Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

Docket No. 011042-TI - MediaTel Corporation

Docket No. 011044-TI - StartComm Corp.

Docket No. 011045-TI - Avana Communications Corporation
d/b/a AvanaCom

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Administrative

Staff: CMP: Isler

LEG: K. Pena, B. Keating

ISSUE 1: Should the Commission impose a \$500 fine or cancel each telecommunications company's respective certificate as listed on Attachment A of staff's October 25, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on Attachment A if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificate numbers listed on Attachment A should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ITEM NO.

CASE

8**PAA

Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

(Continued from previous page)

ISSUE 2: Should the Commission impose a \$500 fine or cancel each telecommunications company's respective certificate as listed on Attachment A for apparent violation of Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on Attachment A if the information required by Rule 25-24.480(2)(a) and (b), F.A.C., and fine are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, the certificate numbers listed on Attachment A should be canceled administratively.

ISSUE 3: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

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9**PAA

Docket No. 011065-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7580 issued to Next Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
LEG: Knight

ISSUE 1: Should the Commission accept the settlement offer proposed by Next Communications, Inc. to resolve the apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated?

RECOMMENDATION: No. The Commission should not accept the company's settlement offer, which proposed to pay a \$100 contribution and future regulatory assessment fees on a timely basis. Instead, the Commission should impose a \$500 fine or cancel the company's certificate if the fine and the 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 statutory penalty and interest charges are not received, the company's Certificate No. 7580 should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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ITEM NO.

CASE

9**PAA

Docket No. 011065-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7580 issued to Next Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

(Continued from previous page)

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

10**

Docket No. 011069-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7502 issued to Eastern Telephone Systems, Inc. d/b/a Eastern Tel Long Distance Service, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

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

ISSUE 1: Should the Commission accept the settlement offer proposed by Eastern Telephone Systems, Inc. d/b/a Eastern Tel Long Distance Service, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7502 should be canceled administratively.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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CASE

11**

Docket No. 010716-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 2994 issued to Network Plus, Inc. d/b/a Hale and Father, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

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

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

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 2994 should be canceled administratively.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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12**

Docket No. 011060-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7428 issued to FairPoint Communications Solutions Corp. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

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

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

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7428 should be canceled administratively.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$300 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

13**

Docket No. 011041-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7196 issued to Wireless Access Network, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

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

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

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7196 should be canceled administratively.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$150 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

14**

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

Docket No. 011047-TI - United Technological Systems, Inc.
Docket No. 011051-TI - Compact Data Systems, Inc.
Docket No. 011067-TI - Essex Communications, Inc. d/b/a eLEC Communications

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

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

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

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

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14**

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

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

15**

Docket No. 010913-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5513 issued to StormTel, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

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

ISSUE 1: Should the Commission accept the settlement offer proposed by StormTel, Inc. to resolve the apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 5513 should be canceled administratively.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

16**

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

Docket No. 010451-TC - Ronnie Preston Williams d/b/a Visions Vending

Docket No. 010481-TC - Pembroke Communications, Inc.

Docket No. 010537-TC - Kiss & Kis's, Inc.

Docket No. 010608-TC - FAXlink, Inc.

Docket No. 010698-TC - 3290 Sunrise Investments, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Administrative

Staff: CMP: Isler

LEG: Banks, K. Pena, B. Keating, Elliott

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

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

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ITEM NO.

CASE

16**

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
17**PAA	<p>Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Docket No. 011053-TI - Worldwide Gateway, Inc. Docket No. 011066-TI - TelZero, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler LEG: K. Pena, B. Keating, Elliott</p> <p><u>ISSUE 1</u>: Should the Commission grant the companies listed on Attachment A of staff's October 25, 2001 memorandum a voluntary cancellation of their respective certificates? <u>RECOMMENDATION</u>: No. The Commission should cancel each company's respective certificate on its own motion 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 2000 and 2001 RAFs, including statutory penalty and interest charges for the year 2000, 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.</p> <p><u>ISSUE 2</u>: Should these dockets be closed? <u>RECOMMENDATION</u>: 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. These dockets should then be closed upon cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.</p>

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

18**PAA

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

Docket No. 011055-TI - TotalAxxcess.com, Inc.

Docket No. 011071-TI - WorkNet Communications Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Administrative

Staff: CMP: Isler

LEG: Elliott

ISSUE 1: Should the Commission grant the companies listed on Attachment A of staff's October 25, 2001 memorandum a voluntary cancellation of their respective certificates?

RECOMMENDATION: No. 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.

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
19**	<p>Docket No. 010949-EI - Request for rate increase by Gulf Power Company.</p> <p>Critical Date(s): 11/9/01 (60-day suspension date)</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Jaber</p> <p>Staff: ECR: E. Draper, L. Romig LEG: Stern, Elias SER: Bohrmann</p> <p><u>ISSUE 1</u>: Should the \$69,867,000 permanent base rate increase and its associated tariff revisions requested by Gulf Power Company be suspended pending a final decision in this docket?</p> <p><u>RECOMMENDATION</u>: Yes. Staff recommends that the \$69,867,000 permanent base rate increase and its associated tariff revisions requested by Gulf be suspended pending a final decision in this docket.</p> <p><u>ISSUE 2</u>: Should this docket be closed?</p> <p><u>RECOMMENDATION</u>: No. This docket should remain open to process the revenue increase request of the company.</p>

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

20**PAA

Docket No. 010669-EI - Request for approval of implementation date of January 1, 2002, for new depreciation rates for Marianna Electric Division by Florida Public Utilities Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: ECR: P. Lee, Meeks, Romig, Vendetti
LEG: Stern

ISSUE 1: Should the current depreciation rates for Florida Public Utilities Company - Marianna Electric Division (FPU or company) be changed?

RECOMMENDATION: Yes. A review of the company's plans and activity indicates the need for revising depreciation rates.

ISSUE 2: What should be the implementation date for the recommended rates?

RECOMMENDATION: Staff recommends approval of the company's proposed January 1, 2002 date of implementation for the new depreciation rates.

ISSUE 3: Should any corrective reserve measures be made?

RECOMMENDATION: Yes. Staff's recommended corrective measures are shown on Attachment A (page 8 of staff's October 25, 2001 memorandum). This action will bring each affected account's reserve more in line with its calculated theoretical level.

ISSUE 4: What are the appropriate depreciation rates?

RECOMMENDATION: The staff recommended lives, net salvages, reserves, and resultant depreciation rates are shown on Attachment B (page 9 of staff's memorandum). Attachment C (page 10) shows an estimated resultant decrease in annual expenses of about \$2,600 based on January 1, 2002 estimated investments.

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CASE

20**PAA

Docket No. 010669-EI - Request for approval of implementation date of January 1, 2002, for new depreciation rates for Marianna Electric Division by Florida Public Utilities Company.

(Continued from previous page)

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

RECOMMENDATION: Yes. The current amortization of ITCs and the flowback of excess deferred income taxes (EDIT) should be revised to match the actual recovery periods for the related property. The utility should file detailed calculations of the revised ITC amortization and flowback of EDIT at the same time it files its surveillance report covering the quarter ending March 31, 2002.

ISSUE 6: Should this docket be closed?

RECOMMENDATION: 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

21**

Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc. (Deferred from October 16, 2001 conference; revised recommendation filed.)

Critical Date(s): 11/9/01 (60-day interim date)

Commissioners Assigned: Full Commission
Prehearing Officer: Palecki

Staff: ECR: Fletcher, Jones, Merchant, D. Draper, Maurey
LEG: Jaeger, Espinoza

ISSUE 1: Should an interim revenue increase be approved?

RECOMMENDATION: Yes. On an interim basis, the utility should be authorized to collect annual water revenues as indicated below:

	Revenue Requirement	\$ Increase	% Increase
Water	\$2,009,292	\$272,206	15.67%

ISSUE 2: What are the appropriate interim rates?

RECOMMENDATION: The interim rates should be designed to allow the utility the opportunity to generate annual operating revenues of \$2,009,292, which represents an increase of \$272,206. To generate this revenue increase, the service rates in effect as of June 30, 2001, should be increased by 15.95%. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code, provided the customers have received notice. The rates should not be implemented until the required security has been filed and proper notice has been received by the customers. The utility should provide proof to staff of the date notice was given within 10 days after the date of the notice.

ISSUE 3: What is the appropriate security to guarantee the interim increase?

RECOMMENDATION: The utility should be required to open an escrow account, or file a security bond or a letter of credit to guarantee any potential refunds of revenues collected under interim conditions. If the utility chooses to open an escrow account, it should deposit 15.95% of

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ITEM NO.

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21**

Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc. (Deferred from October 16, 2001 conference; revised recommendation filed.)

(Continued from previous page)

interim revenues collected each month. The security bond or letter of credit should be in the amount of \$183,669. Pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility should provide a report by the 20th of each month indicating the monthly and total revenue collected subject to refund. Should a refund be required, the refund should be with interest and undertaken in accordance with Rule 25-30.360, Florida Administrative Code.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending the Commission's final action on the utility's requested final rate increase.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
22**PAA	Docket No. 992015-WU - Application for limited proceeding to recover costs of water system improvements in Marion County by Sunshine Utilities of Central Florida, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Jacobs

Staff: ECR: B. Davis, Crouch, Merchant, Wetherington
LEG: Jaeger

ISSUE 1: Should the Commission approve Sunshine's requested limited proceeding to increase its rates for all customers to interconnect five of its water systems?

RECOMMENDATION: No. The utility's proposal to interconnect five separate water supply and treatment systems to eliminate contamination problems and to meet development demands is not prudent or justified, and it should therefore be denied.

DECISION: The recommendation was denied. Staff is to bring back a recommendation on options for allocation of costs, other avenues for funding, and possible certificate amendment.

ISSUE 2: What is the appropriate amount of rate case expense for Docket No. 992015-WU?

RECOMMENDATION: Staff recommends that rate case expense for this limited proceeding should be disallowed.

DECISION: No vote was cast at this time.

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<u>ITEM NO.</u>	<u>CASE</u>
22**PAA	Docket No. 992015-WU - Application for limited proceeding to recover costs of water system improvements in Marion County by Sunshine Utilities of Central Florida, Inc.

(Continued from previous page)

ISSUE 3: Should Docket No. 992015-WU be closed?

RECOMMENDATION: Yes. If no timely protest is filed by a substantially affected person, the order should become final and effective upon the issuance of a consummating order and the docket should be closed at that time.

DECISION: The recommendation was denied. The docket is to remain open.

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

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ITEM NO.

CASE

23**PAA

Docket No. 011151-TI - Compliance investigation of CardMart USA, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Docket No. 011327-TI - Compliance investigation of True Time Communication, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required.

Docket No. 011328-TI - Compliance investigation of MAF Global Telecommunications, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Deason (011151)

Prehearing Officer: Administrative (011327, 011328)

Staff: LEG: Fordham, Fudge

CMP: Buys, Kennedy

ISSUE 1: Should the Commission fine CardMart Communications, Inc., in Docket No. 011151-TI, \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. The Commission should fine CardMart \$10,000, in Docket No. 011151-TI, for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. 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. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, the collection of the fine should be referred to the Office of the Comptroller.

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CASE

23**PAA

Docket No. 011151-TI - Compliance investigation of CardMart USA, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Docket No. 011327-TI - Compliance investigation of True Time Communication, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required.

Docket No. 011328-TI - Compliance investigation of MAF Global Telecommunications, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required.

(Continued from previous page)

ISSUE 2: Should the Commission fine CardMart USA, Inc., in Docket No. 011151-TI, \$25,000 for the apparent violation of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

RECOMMENDATION: Yes. The Commission should fine CardMart \$25,000, in Docket No. 011151-TI, for apparent violation of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. 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. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, the collection of the fine should be referred to the Office of the Comptroller.

ISSUE 3: Should the Commission fine True Time Communication, Inc., in Docket No. 011327-TI, \$25,000 for the apparent violation of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

RECOMMENDATION: Yes. The Commission should fine True Time \$25,000, in Docket No. 011327-TI, for apparent violation of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in

<u>ITEM NO.</u>	<u>CASE</u>
23**PAA	Docket No. 011151-TI - Compliance investigation of CardMart USA, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries. Docket No. 011327-TI - Compliance investigation of True Time Communication, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required. Docket No. 011328-TI - Compliance investigation of MAF Global Telecommunications, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required.

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the State General Revenue Fund. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, the collection of the fine should be referred to the Office of the Comptroller.

ISSUE 4: Should the Commission fine MAF Global Telecommunications, Inc., in Docket No. 011328-TI, \$25,000 for the apparent violation of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

RECOMMENDATION: Yes. The Commission should fine MAF \$25,000, in Docket No. 011328-TI, for apparent violation of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. 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. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, the collection of the fine should be referred to the Office of the Comptroller.

ISSUE 5: 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

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<u>ITEM NO.</u>	<u>CASE</u>
23**PAA	Docket No. 011151-TI - Compliance investigation of CardMart USA, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries. Docket No. 011327-TI - Compliance investigation of True Time Communication, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required. Docket No. 011328-TI - Compliance investigation of MAF Global Telecommunications, Inc. for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required.

(Continued from previous page)

the issuance of the Proposed Agency Action Order. These dockets should then be closed administratively upon either receipt of the fine, or upon referral of the fine to the Comptroller for collection if the fine is not paid within five business days after issuance of the 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: Jacobs, Deason, Jaber, Baez, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
24**	<p>Docket No. 010740-TP - Request for arbitration concerning complaint of IDS Telcom LLC against BellSouth Telecommunications, Inc. regarding breach of interconnection agreement.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Deason</p> <p>Staff: LEG: Helton CMP: Bulecza-Banks, Casey, Ileri, Lewis, Makin, Moses</p> <p><u>ISSUE 1</u>: Should the Commission acknowledge IDS Telecom LLC's Notice of Voluntary Dismissal with Prejudice? <u>RECOMMENDATION</u>: Yes. IDS's voluntary dismissal with prejudice divests the Commission of jurisdiction over this matter. The only further action the Commission should take is to acknowledge the dismissal, find that any pending motions are rendered moot, and close the docket. <u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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ITEM NO.

CASE

25**

Docket No. 010585-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7170 issued to Seacoast Christian Academy, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: LEG: Elliott
CMP: Isler

ISSUE 1: Should the Commission approve Seacoast's proposed payment plan in order to comply with Order No. PSC-01-1716-PAA-TP?

RECOMMENDATION: Yes. Staff recommends that the Commission approve the extension of time and Seacoast's proposed payment plan in order to comply with Order No. PSC-01-1716-PAA-TP. The payments should be received by the Florida Public Service Commission before the fourth day of the month and should identify the docket number and company name. The Commission should forward the payments to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation in Issue 1, the docket should remain open until the payment of the \$500 fine is completed. Upon staff's verification of the payment of the entire \$500 fine, this docket should be administratively closed. If Seacoast fails to pay in accordance with the approved plan, its certificate should be cancelled as set forth in Order No. PSC-01-1716-PAA-TC and this docket should be closed administratively.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

26**PAA

Docket No. 011088-EI - Petition for waiver of depreciation study filing requirement in Rule 25-6.0436 (8)(a), F.A.C., in order to extend time for filing study to April 30, 2003, by Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: LEG: Stern
ECR: P. Lee

ISSUE 1: Should FPL's Petition for a Waiver of Rule 25-6.0436(8)(a) be granted?

RECOMMENDATION: Yes. The Commission should approve FPL's request to extend the filing date of its next depreciation study until April 30, 2003, and its fossil dismantlement studies within one year thereafter. The requested waiver will serve the purposes of the underlying statutes, and FPL will experience substantial hardship if its Petition is denied. However, the filing date should be revisited if a settlement is reached in Docket No. 001148-EI.

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: Jacobs, Deason, Jaber, Baez, Palecki

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ITEM NO.

CASE

27**

Docket No. 010814-WU - Initiation of show cause proceedings against Dixie Groves Estates, Inc. and Virginia City Utilities, Inc., in Pasco County, for violation of Rule 25-30.110(3), F.A.C., Annual Reports.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Baez

Staff: LEG: Espinoza
ECR: Peacock

ISSUE 1: Should VCUI and Dixie Groves be ordered to show cause, in writing, within 21 days, why they should not be fined for failure to timely file their 1999 annual reports, in apparent violation of Rule 25-30.110(3), Florida Administrative Code?

RECOMMENDATION: No. Show cause proceedings should not be initiated at this time. Staff further recommends that a portion of the \$774 late penalty that was paid by the utilities be reimbursed in the amount of \$372 each, for a total of \$744.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Because no further action is necessary, this docket should be closed.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

28 Docket No. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.
Docket No. 001148-EI - Review of the retail rates of Florida Power & Light Company.
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.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Baez

Staff: PAI: Bass, Groom, Noriega, Trapp
ECR: Kummer, Maurey, C. Romig, Meeks, Gardner, Revell
LEG: C. Keating, Elias
SER: Ballinger

DECISION: This item was deferred to the November 7, 2001 special conference.

ITEM NO.

CASE

29**

Docket No. 001122-WS - Joint application for transfer of all water and wastewater facilities of Spruce Creek South Utilities, Inc. in Marion and Sumter Counties to Florida Water Services Corporation, for cancellation of Certificates Nos. 511-W and 467-S held by Spruce Creek South Utilities, Inc. and for amendment of Certificates Nos. 373-W and 322-S held by Florida Water Services Corporation; and joint petition for approval of ancillary agreements.

Critical Date(s): None (60-day statutory deadline has been waived)

Commissioners Assigned: Full Commission
Prehearing Officer: Jaber

Staff: RGO: Brady, Redemann
ECR: Iwenjiora, C. Romig
LEG: Cibula

ISSUE 1: Should the transfer of the water and wastewater facilities from Spruce Creek to Florida Water be approved?

RECOMMENDATION: Yes. The transfer of Spruce Creek's water and wastewater facilities to Florida Water is in the public interest and should be approved. Certificates Nos. 511-W and 467-S should be canceled. Certificates Nos. 373-W and 322-S should be amended to include the territory described in Attachment A of staff's October 25, 2001 memorandum.

ISSUE 2: What is the rate base for Spruce Creek's water and wastewater systems at the time of the transfer?

RECOMMENDATION: The rate base is \$912,054 for water and \$2,480,839 for wastewater as of June 30, 2000.

ISSUE 3: Should deferred debits for invested taxes on CIAC be added to the calculation of rate base for transfer purposes?

RECOMMENDATION: No. Invested CIAC taxes should not be added to rate base.

ISSUE 4: Should a positive acquisition adjustment be approved?

RECOMMENDATION: No. A positive acquisition adjustment should not be included in the calculation of rate base for transfer purposes.

ITEM NO.

CASE

29**

Docket No. 001122-WS - Joint application for transfer of all water and wastewater facilities of Spruce Creek South Utilities, Inc. in Marion and Sumter Counties to Florida Water Services Corporation, for cancellation of Certificates Nos. 511-W and 467-S held by Spruce Creek South Utilities, Inc. and for amendment of Certificates Nos. 373-W and 322-S held by Florida Water Services Corporation; and joint petition for approval of ancillary agreements.

(Continued from previous page)

ISSUE 5: Should the existing rates and charges for Spruce Creek be continued?

RECOMMENDATION: Yes. The existing rates and charges for Spruce Creek should be continued. The tariff sheets reflecting these rates and charges should be effective for services rendered or connections made on or after the stamped approval date.

ISSUE 6: Should the Assignment and Assumption Agreement by Florida Water of the Irrigation Agreement between Spruce Creek and Spruce Creek Golf and Country Club Homeowners' Association, Inc., and the Irrigation Agreement between Spruce Creek and Spruce Creek Preserve Homeowners' Association, Inc., be approved?

RECOMMENDATION: Yes. The terms and conditions of the two Irrigation Agreements are reasonable and the Assignment and Assumption Agreement should be approved. Florida Water should file an irrigation tariff reflecting the applicability, limitations, and terms of payments by December 6, 2001. Florida Water should also be required to impute, as though collected, any revenues associated with the base facility charge which are not billed as a result of the two agreements.

ISSUE 7: Should the provisions of the Reuse Agreement and the new class of service for effluent water be approved?

RECOMMENDATION: Yes. The terms and conditions of the Reuse Agreement between Florida Water and Del Webb are reasonable and should be approved. A new class of service for effluent water should be approved at the rate of \$0.05 per 1,000 gallons. The tariff sheets for effluent water service should be made effective on or after the stamped approval date. Prior to providing reclaimed water service to any

ITEM NO.

CASE

29**

Docket No. 001122-WS - Joint application for transfer of all water and wastewater facilities of Spruce Creek South Utilities, Inc. in Marion and Sumter Counties to Florida Water Services Corporation, for cancellation of Certificates Nos. 511-W and 467-S held by Spruce Creek South Utilities, Inc. and for amendment of Certificates Nos. 373-W and 322-S held by Florida Water Services Corporation; and joint petition for approval of ancillary agreements.

(Continued from previous page)

customer other than the Spruce Creek Country Club, the utility should be required to return to the Commission for a determination of the continued appropriateness of the rate for effluent water service.

ISSUE 8: Should the Futures Agreement be approved?

RECOMMENDATION: Yes, the Futures Agreement should be approved. The utility should be required to record the periodic futures payments and the one-time lump sum payment, if applicable, as the cost of the water and wastewater lines. In addition, Florida Water should require the developer to provide invoices representing actual construction costs as payments are made.

ISSUE 9: Should the docket be closed?

RECOMMENDATION: No. If no timely protest is received to the proposed agency action or tariff issues, a Consummating Order should be issued upon the expiration of the protest period. If a protest to the tariff for the new class of service is timely filed, the tariff should remain in effect pending resolution of the protest. This docket should remain open to allow the utility to file the irrigation tariff required in Issue 6. Staff should be given the authority to administratively close this docket upon verification that the tariff has been filed.

DECISION: The recommendations were approved, with an exception in Issue 2 regarding adjustments on accumulated depreciation rates ((H), page 18) and other necessary fallout adjustments.

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

ITEM NO.

CASE

30**

Docket No. 001381-WU - Application for certificate to operate water utility in Polk County by Tevalo, Inc., d/b/a McLeod Gardens Water Company.

Critical Date(s): 11/6/01 (90-day statutory deadline)

Commissioners Assigned: Full Commission
Prehearing Officer: Jacobs

Staff: RGO: Clapp, Walden
ECR: Taina-Coqs
LEG: Brubaker, Crosby

ISSUE 1: Should the Commission order the utility to show cause, in writing within 21 days, why it should not be fined for operating a water utility without a certificate of authorization in apparent violation of Chapter 367.031, Florida Statutes?

RECOMMENDATION: No. Show cause proceedings should not be initiated.

ISSUE 2: Should MGWC be ordered to show cause, in writing within 21 days, why it should not be fined for failure to file its 1997, 1998, and 1999 annual reports in apparent violation of Rule 25-30.110, Florida Administrative Code?

RECOMMENDATION: No. Show cause proceedings should not be initiated at this time. Staff further recommends that the penalties set forth in Rule 25-30.110(7), Florida Administrative Code, should not be assessed, as the information contained in the delinquent reports is no longer needed for the ongoing regulation of the utility. MGWC should not be required to file 1997, 1998 or 1999 annual reports.

ISSUE 3: Should the application of Tevalo, Inc., d/b/a McLeod Gardens Water Company for a water certificate be granted?

RECOMMENDATION: Yes. Tevalo, Inc., d/b/a McLeod Gardens Water Company should be granted Water Certificate No. 619-W to serve the territory described in Attachment A of staff's October 25, 2001 memorandum.

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CASE

30**

Docket No. 001381-WU - Application for certificate to operate water utility in Polk County by Tevalo, Inc., d/b/a McLeod Gardens Water Company.

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PAA

ISSUE 4: What rates and charges should be approved for Tevalo, Inc. d/b/a McLeod Gardens Water Company?

RECOMMENDATION: The utility's existing flat rates and tap-in fees for water service for the housing development should be approved as submitted until the completion of the utility's first rate proceeding. The utility should be put on notice that, at the time of its next rate proceeding, all meters will be required to be installed and in compliance with Part III, Rule 25-30, Florida Administrative Code, and that appropriate base facility charges and usage rates will be established by the Commission. The utility should be allowed to continue to charge the current late payment fee. The utility should also be allowed to charge the standard miscellaneous charges specified in the analysis portion of staff's memorandum. Customer deposits should not be authorized at this time. The effective date of the utility's rates and charges should be the stamped approval date of the tariff sheets, pursuant to Rule 25-30.475, Florida Administrative Code.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: No. If no timely protest is received to the proposed agency action issue, a Consummating Order should be issued upon the expiration of the protest period. Should no timely protests be received, the docket should be closed.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

31**

Docket No. 991780-EI - Determination of appropriate cost recovery amounts for the purchased power contract between AES Cedar Bay and Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Baez

Staff: SER: Haff
LEG: Elias

ISSUE 1: Should this docket be closed?

RECOMMENDATION: Yes. The issues which caused this docket to be opened may be considered in Docket No. 010001-EI.

DECISION: The recommendation was approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
32**PAA	Docket No. 000808-EI - Petition for approval of Consumptive Water Use Monitoring Activity and Smith Wetlands Mitigation Plan as new programs for cost recovery through the Environmental Cost Recovery Clause by Gulf Power Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Palecki

Staff: SER: Breman
LEG: Stern

ISSUE 1: Should Gulf Power Company's Notice of Voluntary Dismissal and/or Withdrawal of Petition be acknowledged?

RECOMMENDATION: Yes.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

33 Docket No. 000649-TP - Petition by MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

Critical Date(s): None

Commissioners Assigned: Jacobs, Jaber, Baez
Prehearing Officer: Jaber

Staff: LEG: Christensen
 CMP: Barrett

ISSUE 1: Should the Commission approve the arbitrated interconnection, unbundling and resale agreements between BellSouth and WorldCom in Docket No. 000649-TP?

RECOMMENDATION: Yes. The Commission should approve the arbitrated interconnection, unbundling and resale agreements between BellSouth and WorldCom in Docket No. 000649-TP.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, no further action will be required in this docket. Therefore, this docket may be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber, Baez

ITEM NO.

CASE

34 Docket No. 010283-EI - Calculation of gains and appropriate regulatory treatment for non-separated wholesale energy sales by investor-owned electric utilities.

Critical Date(s): None

Commissioners Assigned: Jacobs, Jaber, Baez
Prehearing Officer: Jaber

Staff: SER: Bohrmann, Breman, Harlow
 ECR: Revell
 LEG: C. Keating

ISSUE 1: What is the appropriate regulatory treatment for SO2 emission allowances associated with non-separated wholesale energy sales?

RECOMMENDATION: Staff recommends that the Commission approve the stipulated language in the analysis portion of staff's October 25, 2001 memorandum.

ISSUE 2: What is the appropriate regulatory treatment for the cost of fuel and purchased power associated with non-separated wholesale energy sales?

RECOMMENDATION: The Commission should require each investor-owned electric utility to credit its fuel and purchased power cost recovery clause with the incremental energy cost of generating or purchasing the energy used to make each non-separated wholesale energy transaction.

ISSUE 3: What is the appropriate regulatory treatment for the operation and maintenance (O&M) expenses associated with non-separated wholesale energy sales?

RECOMMENDATION: The Commission should require each utility to credit its operating revenues for an amount equal to its recognized incremental operating and maintenance (O&M) cost of generating the energy that the utility has sold in each non-separated wholesale energy transaction.

ISSUE 4: How should the Commission implement Part II of Order No. PSC-00-1744-PAA-EI, in Docket No. 991779-EI, issued September 26, 2000, concerning the application of incentives to wholesale energy sales?

RECOMMENDATION: The shareholder incentive mechanism approved in Order No. PSC-00-1744-PAA-EI should be implemented as set forth in staff's memorandum to the

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<u>ITEM NO.</u>	<u>CASE</u>
34	Docket No. 010283-EI - Calculation of gains and appropriate regulatory treatment for non-separated wholesale energy sales by investor-owned electric utilities.

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parties dated September 20, 2000. Consistent with the parties' agreement previously approved by the Commission by Order No. PSC-00-2385-FOF-EI, in Docket No. 000001-EI, issued December 12, 2000, this methodology should be made effective as of January 1, 2001.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber, Baez

<u>ITEM NO.</u>	<u>CASE</u>
35	<p>Docket No. 991666-WU - Application for amendment of Certificate No. 106-W to add territory in Lake County by Florida Water Services Corporation.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Jaber, Baez, Palecki Prehearing Officer: Baez</p> <p>Staff: LEG: Christensen RGO: Messer, Redemann</p> <p><u>ISSUE A</u>: Should the Commission grant the City of Groveland's Motion to Include Responses in Exhibit 23? <u>RECOMMENDATION</u>: No. Staff recommends that the Commission deny the City of Groveland's Motion to Include Responses in Exhibit 23. The responses at issue have been appropriately filed in the docket.</p> <p><u>ISSUE 1</u>: When will service be required in the territory proposed by Florida Water Services Corporation's application? <u>RECOMMENDATION</u>: Florida Water Services Corporation and the developer's actions indicate that water service will be required at the Summit in the near future. There is no need for centralized wastewater service at this time.</p> <p><u>ISSUE 2</u>: Stipulated. <u>ISSUE 3</u>: Stipulated. <u>ISSUE 4</u>: Does Florida Water Services Corporation have the plant capacity to serve the requested territory? <u>RECOMMENDATION</u>: Yes. FWSC has sufficient plant capacity to serve the requested territory. FWSC has provided reasonable options to increase its capacity if additional capacity is needed in the later years of the development.</p> <p><u>ISSUE 5</u>: Is Florida Water Services Corporation's application consistent with the local comprehensive plan? <u>RECOMMENDATION</u>: Yes. Florida Water Services Corporation's application is consistent with the City and County comprehensive plans.</p>

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CASE

35

Docket No. 991666-WU - Application for amendment of Certificate No. 106-W to add territory in Lake County by Florida Water Services Corporation.

(Continued from previous page)

ISSUE 6: Does the City of Groveland have the financial ability to serve the requested territory?

RECOMMENDATION: Yes. The City of Groveland appears to have the financial ability to serve the requested territory.

ISSUE 7: Does the City of Groveland have the technical ability to serve the requested territory?

RECOMMENDATION: Yes. The City has the technical ability to provide both water and wastewater service to the Summit. Further, the staff recommends that the City has the plant capacity and lines to provide water service. The City also appears to have the wastewater plant capacity, but not the wastewater lines to serve the Summit.

ISSUE 8: Is the City of Groveland's proposal to serve the area consistent with the local Comprehensive Plan?

RECOMMENDATION: No. The City of Groveland's proposal to serve the potential service area is inconsistent with the City and County Comprehensive Plans.

ISSUE 9: What is the landowner's service preference and what weight should the Commission give to the preference?

RECOMMENDATION: Staff recommends that the Commission may consider landowner preference and the record indicates that the developer's preference is FWSC. However, based on Storey v. Mayo, and the facts of this case, it is not necessary to give landowner preference any particular weight.

ISSUE 10: Will the extension of Florida Water Services Corporation's territory in Lake County duplicate or compete with the City of Groveland's utility system?

RECOMMENDATION: No. The extension of Florida Water Services Corporation's territory in Lake County will not duplicate or compete with the City of Groveland's utility system.

ITEM NO.

CASE

35

Docket No. 991666-WU - Application for amendment of Certificate No. 106-W to add territory in Lake County by Florida Water Services Corporation.

(Continued from previous page)

ISSUE 11(a): If the granting of the territory which Florida Water Services Corporation seeks to add to its PSC Certificate would result in an extension of a system which would be in competition with, or a duplication of the City of Groveland's system or portion of its system, is the City of Groveland's system inadequate to meet the reasonable needs of the public or is the City unable, refusing or neglecting to provide reasonably adequate service to the proposed territory?

RECOMMENDATION: If the Commission agrees with staff's recommendation on Issue 10 that the proposed extension of FWSC's Palisades system is not in competition with or a duplication of the City's system, then it is unnecessary for the Commission to make a finding as to whether the City's system is inadequate or unable, refusing, or unwilling to provide reasonably adequate service to the Summit.

ISSUE 11(b): Does the Commission have the statutory authority to grant an extension of service territory to Florida Water Services Corporation which will be in competition with, or a duplication of, the City of Groveland's system(s), unless factual findings are made that the City's system(s) or portion thereof is inadequate to meet the reasonable needs of the public or that the City is unable, refuses, or has neglected to provide reasonably adequate service to the proposed service territory?

RECOMMENDATION: If the Commission agrees with staff's recommendation on Issue 10 that the proposed extension of FWSC's Palisades system is not in competition with, or a duplication of, the City's system, then the Commission has the statutory authority in this docket to grant FWSC's amendment application if granting the amendment application is determined to be in the public interest.

ISSUE 12: Is it in the public interest for Florida Water Services Corporation to be granted an amendment to Water Certificate No. 106-W for the territory proposed in its application?

RECOMMENDATION: Yes. It is in the public interest to grant the amendment of Florida Water Services Corporation's Water Certificate No. 106-W for the territory proposed in its application, and Florida Water Services Corporation's application should be granted.

ISSUE 13: Should this docket be closed?

RECOMMENDATION: Yes. If no party appeals the final order issued in this docket, the docket should be closed upon the expiration of the time for filing a notice of appeal.

DECISION: This item was deferred.