

MINUTES OF  
COMMISSION CONFERENCE NOVEMBER 19, 2001  
COMMENCED: 9:30 a.m.  
ADJOURNED: 9:45 a.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 (\*\*).

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1                   Approval of Minutes  
                    October 16, 2001 Regular Commission Conference

DECISION: The minutes were approved.

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

Minutes of  
 Commission Conference  
 November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>																
2**	Consent Agenda																
PAA	A) Applications for certificates to provide alternative local exchange telecommunications service.																
	<table border="1"> <thead> <tr> <th><u>DOCKET NO.</u></th> <th><u>COMPANY NAME</u></th> </tr> </thead> <tbody> <tr> <td>011284-TX</td> <td>Georgia Public Web, Inc.</td> </tr> <tr> <td>011209-TX</td> <td>Calvin Hardge d/b/a CAL-TEC Communications</td> </tr> <tr> <td>011238-TX</td> <td>Exario Telecom, Inc.</td> </tr> </tbody> </table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	011284-TX	Georgia Public Web, Inc.	011209-TX	Calvin Hardge d/b/a CAL-TEC Communications	011238-TX	Exario Telecom, Inc.								
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PAA	D) DOCKET NO. 011176-TX - Application for transfer of ALEC Certificate No. 4867 from HTR & L Enterprises, Inc. d/b/a Hart Communications to Tel West Communications, LLC.																

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
2**	Consent Agenda  (Continued from previous page)
PAA	E) DOCKET NO. 011337-TP - Joint application for approval of transfer of control whereby VarTec Telecom, Inc. d/b/a VarTec Telecom and Clear Choice Communications (holder of ALEC Certificate No. 5687 and IXC Certificate No. 2963), through its wholly owned subsidiary, VarTec Telecom Holding Company, will acquire control of affiliated telecommunications companies Excel Telecommunications, Inc. (holder of IXC Certificate No. 2440 and ALEC Certificate No. 4695), eMeritus Communications, Inc. (holder of ALEC Certificate No. 4699 and IXC Certificate No. 3496), and Long Distance Wholesale Club, Inc. (holder of IXC Certificate No. 3596).

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**PAA	<p>Docket No. 981444-TP - Number Utilization Study: Investigation into Number Conservation Measures.</p> <p>Critical Date(s): 3/2002 (FCC's number pooling roll-out schedule is implemented.)</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Palecki</p> <p>Staff: CMP: Ileri, Casey LEG: Christensen</p> <p><u>ISSUE 1</u>: Should a number pooling trial be implemented in the 941 area code, and if so, when should the number pooling trial be implemented? <u>RECOMMENDATION</u>: Yes. A number pooling trial should be implemented in the 941 area code by all local number portability-capable wireline carriers. Staff recommends that the number pooling trial be implemented by Monday, February 11, 2002. The first implementation meeting, forecast report date, block protection date, block donation identification date, pooling administrator's assessment of industry inventory surplus/deficiency, block donation date, pool start/allocation date, should all occur prior to the mandated implementation date of February 11, 2002.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: No. Staff recommends that this docket should not be closed as other issues remain. However, any person whose substantial interests are affected by the proposed agency action may file a protest within 21 days of the issuance of the Commission's Order. If no timely protest of Issue 1 is filed, the Order will become final upon the issuance of a Consummating Order. If a protest is filed by a person whose substantial interests are affected, if possible, a (any) proceeding should be conducted pursuant to Section 120.57(2), Florida Statutes, or by other appropriate expedited process.</p>

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

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4\*\*

Docket No. 000733-TL - Investigation to determine whether BellSouth Telecommunications, Inc.'s tariff filing to restructure its late payment charge is in violation of Section 364.051, F.S.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Jaber

Staff: CMP: Simmons  
LEG: Christensen

ISSUE 1: Should the Commission grant BellSouth's Motion for Stay of Order Pending Judicial Review?

RECOMMENDATION: Yes. BellSouth's Motion for Stay of Order Pending Judicial Review should be granted conditioned upon BellSouth posting a corporate undertaking for moneys subject to the refund addressed by Order No. PSC-00-1357-PAA-TL.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending judicial review.

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
5**PAA	Docket No. 010787-TL - Investigation into telephone exchange boundary issues in Sarasota County.  Critical Date(s): None  Commissioners Assigned: Full Commission Prehearing Officer: Baez  Staff: CMP: Ileri, Casey LEG: Helton  <u>ISSUE 1</u> : Should this docket be closed? <u>RECOMMENDATION</u> : Yes. This docket should be closed because Ms. Janet Rowe Dugan's concerns have been resolved to her satisfaction. However, any person whose substantial interests are affected by the proposed agency action may file a protest within 21 days of the issuance of the Commission's Order. If no timely protest is filed, the Order will become final upon the issuance of a Consummating Order.  <u>DECISION</u> : The recommendation was approved.  Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

6\*\*PAA

Docket No. 011381-TL - Investigation into BellSouth Telecommunications, Inc.'s tariff filing (T-01786) to establish the Keys Exchange. (Deferred from November 6, 2001 conference; revised recommendation filed.)

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. 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.

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

6\*\*PAA

Docket No. 011381-TL - Investigation into BellSouth Telecommunications, Inc.'s tariff filing (T-01786) to establish the Keys Exchange. (Deferred from November 6, 2001 conference; revised recommendation filed.)

(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: The recommendations were approved.

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



Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

7\*\*PAA

Docket No. 011142-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5710 issued to SouthNet Telecomm Services, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.835, F.A.C., Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Deason

Staff: CMP: Isler  
LEG: Elliott

ISSUE 1: Should the Commission impose a \$1,000 fine or cancel SouthNet Telecomm Services, Inc.'s certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$1,000 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, Certificate No. 5710 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.

ISSUE 2: Should the Commission impose a \$500 fine or cancel SouthNet Telecomm Services, Inc.'s certificate for apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the information required by Rule 25-24.835, Florida Administrative Code,

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

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7\*\*PAA

Docket No. 011142-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5710 issued to SouthNet Telecomm Services, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.835, F.A.C., Rules Incorporated.

(Continued from previous page)

Rules Incorporated, 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, Certificate No. 5710 should be canceled administratively.

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 fines, fees, and required information or cancellation of the certificate.

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
8**PAA	<p>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 &amp; Reports; Rules Incorporated.</p> <p>Docket No. 011095-TI - Orvex/CSI Consortium, Inc. d/b/a OneAmerica Docket No. 011102-TI - Nationnet Communications Corporation</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Jaber</p> <p>Staff: CMP: Isler LEG: K. Pena, B. Keating, Elliott</p> <p><u>ISSUE 1</u>: Should the Commission impose a \$500 fine or cancel each telecommunications company's respective certificate as listed on Attachment A of staff's November 7, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?</p> <p><u>RECOMMENDATION</u>: 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.</p>

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

<u>ITEM NO.</u>	<u>CASE</u>
9**PAA	<p>Cancellation by Florida Public Service Commission of alternative local exchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Docket No. 011130-TX - Easy Phone, Inc. d/b/a Easy Tel, Inc. Docket No. 011143-TX - EasyComm Corporation Docket No. 011145-TX - All Kinds Cashed, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Deason (011143) Prehearing Officer: Jaber (011130, 011145)</p> <p>Staff: CMP: Isler LEG: Elliott, K. Pena, B. Keating</p> <p><u>ISSUE 1</u>: Should the Commission impose a \$1,000 fine or cancel the certificates issued to the companies listed on Attachment A of staff's November 7, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should impose a \$1,000 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.</p> <p><u>ISSUE 2</u>: Should these dockets be closed?</p> <p><u>RECOMMENDATION</u>: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial</p>

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

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9\*\*PAA

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

(Continued from previous page)

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: This item was deferred.

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

10\*\*PAA

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

Docket No. 011100-TS - Apex Professional Services, Inc.  
Docket No. 011101-TS - Gaedeke Holdings Ltd.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Jaber

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 November 7, 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.

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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

10\*\*PAA

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

(Continued from previous page)

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: This item was deferred.



Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

11\*\*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. 010729-TI - Direct Net Telecommunications

Docket No. 011096-TI - Dot Com Phone Cards, LLC

Docket No. 011097-TI - Telera Communications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Jaber (011096, 011097)

Prehearing Officer: Deason (010729)

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 November 7, 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.

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

11\*\*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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

12\*\*PAA

Docket No. 011148-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5773 issued to Southeastern Telecommunications Service Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.835, F.A.C., Records & Reports; Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Jaber

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

ISSUE 1: Should the Commission impose a \$500 fine or cancel Southeastern Telecommunications Service Inc.'s certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, Certificate No. 5773 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

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12\*\*PAA

Docket No. 011148-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5773 issued to Southeastern Telecommunications Service Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.835, F.A.C., Records & Reports; Rules Incorporated.

(Continued from previous page)

ISSUE 2: Should the Commission impose a \$500 fine or cancel Southeastern Telecommunications Service Inc.'s certificate for apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the information required by Rule 25-24.835, Florida Administrative Code, Rules Incorporated, 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, Certificate No. 5773 should be canceled administratively.

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 fines, fees, and required information or cancellation of the certificate.

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

13\*\*PAA

Docket No. 010868-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 3562 issued to Rapid Link USA, 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 impose a \$500 fine or cancel Rapid Link USA, Inc.'s certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine is 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 is not received, the company's Certificate No. 3562 should be cancelled administratively.

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 or cancellation of the certificate.

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
14**PAA	<p>Docket No. 010724-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4694 issued to Cash Back Rebates LD.COM, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler LEG: K. Pena, B. Keating</p> <p><u>ISSUE 1</u>: Should the Commission impose a \$500 fine or cancel Cash Back Rebates LD.COM, Inc.'s certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and Section 350.113, Florida Statutes?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and 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. 4694 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.</p>

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

14\*\*PAA

Docket No. 010724-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4694 issued to Cash Back Rebates LD.COM, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

15\*\*PAA

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

Docket No. 011134-TX - U.S. Dial Tone, Inc.

Docket No. 011136-TX - Progressive Telecommunications Corp.

Docket No. 011137-TX - USA Quick Phone, Inc.

Docket No. 011141-TX - Quick-Tel Communications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Deason (011141)

Prehearing Officer: Jaber (011134, 011136, 011137)

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 November 7, 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.



Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

15\*\*PAA

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

(Continued from previous page)

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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

16\*\*

Docket No. 011146-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5742 issued to The Mobile Phone Company, 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: Jaber

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

ISSUE 1: Should the Commission accept the settlement offer proposed by The Mobile Phone Company, 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. 5742 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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

17\*\*

Docket No. 011144-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5718 issued to Public Telephone 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: Jaber

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

ISSUE 1: Should the Commission accept the settlement offer proposed by Public Telephone 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. 5718 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 \$250 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

18\*\*

Docket No. 011098-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7669 issued to Futur Telecom America, 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: Jaber

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

ISSUE 1: Should the Commission accept the settlement offer proposed by Futur Telecom America, 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. 7669 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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

19\*\*

Docket No. 010576-TC - Cancellation by Florida Public Service Commission of PATS Certificate No. 7069 issued to USA Communications, 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: Elliott

ISSUE 1: Should the Commission accept the settlement offer proposed by USA Communications, 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. 7069 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

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
20**	<p>Cancellation by Florida Public Service Commission of alternative local exchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Docket No. 011129-TX - Tallahassee Memorial Telephone Company Docket No. 011132-TX - HTR &amp; L Enterprises, Inc. d/b/a Hart Communications Docket No. 011135-TX - USA Telephone Inc. Docket No. 011147-TX - IG2, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Jaber</p> <p>Staff: CMP: Isler LEG: Elliott, K. Pena, B. Keating</p> <p><u>ISSUE 1</u>: Should the Commission accept the settlement offer proposed by each company listed on Attachment A of staff's November 7, 2001 memorandum to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies? <u>RECOMMENDATION</u>: Yes. The Commission should accept 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.</p>

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

20\*\*

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

(Continued from previous page)

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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

21\*\*PAA

Docket No. 011150-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5802 issued to Ripple Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.835, F.A.C., Records & Reports; Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Jaber

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

ISSUE 1: Should the Commission grant Ripple Communications, Inc. a voluntary cancellation of Alternative Local Exchange Telecommunications Certificate No. 5802?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of September 21, 2001.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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



Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
22**PAA	Docket No. 011133-TX - Bankruptcy cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5333 issued to American MetroUtilities Corporation/Florida, effective 9/7/01.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

Staff: CMP: Isler  
LEG: Elliott

ISSUE 1: Should the Commission grant American MetroUtilities Corporation/Florida's request for cancellation of its ALEC Certificate No. 5333?

RECOMMENDATION: Yes. The Commission should grant the company a bankruptcy cancellation of its ALEC Certificate No. 5333 with an effective date of September 7, 2001. In addition, the Division of the Commission Clerk and Administrative Services will be notified that the 2000 and 2001 RAFs, plus statutory penalty and interest charges, should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write off the uncollectible amount should be requested.

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.

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
23**PAA	Docket No. 010031-EI - 2000 Fossil Dismantlement Cost Study by Florida Power Corporation.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Deason

Staff: ECR: P. Lee, D. Draper, Lester  
LEG: Elias  
SER: Colson

ISSUE 1: Should FPC's currently approved annual dismantlement provision be revised?

RECOMMENDATION: Yes. This dismantlement study indicates a need to revise the annual dismantlement provision to recognize updated base cost estimates of dismantlement, inflation, and contingency. Staff recommends that FPC's annual dismantlement accruals be revised, effective July 1, 2001.

ISSUE 2: Should any reserve allocations be made?

RECOMMENDATION: Yes. The staff recommended reserve allocations are shown on Attachment, page 7, of staff's November 7, 2001 memorandum. These allocations are reflective of FPC's recommended allocation method to correct identified reserve imbalances based on current dismantlement estimates updated to reflect the latest Data Resources, Inc. (DRI) inflation forecasts.

ISSUE 3: What is the appropriate annual provision for dismantlement?

RECOMMENDATION: The appropriate annual accrual is \$8,813,128 and represents a decrease of about \$8.2 million from the 1994 approved annual accrual. Attachment B, page 8 shows the staff recommended dismantlement accruals. These accruals reflect current estimates of dismantlement costs on a site-specific basis using the latest DRI inflation forecasts and a 15% contingency factor.

ISSUE 4: 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.

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
23**PAA	Docket No. 010031-EI - 2000 Fossil Dismantlement Cost Study by Florida Power Corporation.

(Continued from previous page)

DECISION: The recommendations were approved with an oral modification, to strike the reference to Turner Units 3 and 4 on page 4 of the staff recommendation, made by staff at the conference.

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

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
24**PAA	<p>Docket No. 010668-EI - Petition for approval of recovery schedule for three generating units, effective January 1, 2001, by Tampa Electric Company.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Deason</p> <p>Staff: ECR: P. Lee, Gardner LEG: Elias SER: Colson</p> <p><u>ISSUE 1</u>: Should Tampa Electric Company be allowed to implement its proposed recovery schedules for Hookers Point, Dinner Lake, and the combustion turbine at the Gannon Station?</p> <p><u>RECOMMENDATION</u>: Yes. Staff recommends that TECO be allowed to implement the recovery schedules shown on Attachment A, page 6, of staff's November 7, 2001 memorandum addressing the unrecovered investments associated with the net planned retirement of Hookers Point, Dinner Lake, and the combustion turbine unit at the Gannon Station. The resulting estimated expenses reflect an increase of about \$666,000, as shown on Attachment B, page 7.</p> <p><u>ISSUE 2</u>: Should the fossil dismantlement provision for Hookers Point, Dinner Lake, and the Gannon Combustion Turbine be revised to recognize TECO's revised retirement plans?</p> <p><u>RECOMMENDATION</u>: Yes. The revised fossil dismantlement provision for each station is shown on Attachment C, page 8.</p> <p><u>ISSUE 3</u>: What should be the implementation date for the new recovery schedules and revised dismantlement accruals?</p> <p><u>RECOMMENDATION</u>: A January 1, 2001, implementation date is recommended for the recovery schedules and related dismantlement accruals to reflect TECO's current planning for the retirement of Hookers Point, Dinner Lake, and the Gannon combustion turbine.</p>

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

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24\*\*PAA

Docket No. 010668-EI - Petition for approval of recovery schedule for three generating units, effective January 1, 2001, by Tampa Electric Company.

(Continued from previous page)

ISSUE 4: 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

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
25**	<p>Docket No. 011298-EI - Petition by Florida Power &amp; Light Company to increase the Annual Storm Fund accrual.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Baez</p> <p>Staff: ECR: Brinkley LEG: Stern SER: Breman</p> <p><u>ISSUE 1</u>: Should FPL's petition for an increase to its storm damage fund accrual be considered in the rate proceeding in Docket No. 001148-EI established through Order No. PSC-01-1346-PCO-EI? <u>RECOMMENDATION</u>: Yes. FPL's petition for an increase to its storm damage fund accrual should be considered in the rate proceeding in Docket No. 001148-EI.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. This docket should be closed. If the Commission approves staff's recommendation in Issue 1, the subject matter of the petition filed in this docket will be addressed in Docket No. 001148-EI and nothing will remain to be addressed in this docket.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

<u>ITEM NO.</u>	<u>CASE</u>
26**PAA	<p>Docket No. 010403-WU - Application for staff-assisted rate case in Highlands County by Holmes Utilities, Inc.</p> <p>Critical Date(s): 9/4/02 (15-month effective date)</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Jaber</p> <p>Staff: ECR: Biggins, Fitch, Lingo, Munroe LEG: Espinoza</p> <p><u>ISSUE 1</u>: Is the quality of service provided by Holmes Utility considered satisfactory? <u>RECOMMENDATION</u>: Yes. The quality of service provided by Holmes Utility should be considered satisfactory.</p> <p><u>ISSUE 2</u>: Should the company have any excessive unaccounted for water recognized in the used and useful calculation? <u>RECOMMENDATION</u>: No. Any amount over 10% of the water pumped and unaccounted for should be considered excessive. Holmes Utility's unaccounted for water was below this threshold.</p> <p><u>ISSUE 3</u>: What portions of water plant, transmission and distribution systems are used and useful? <u>RECOMMENDATION</u>: The water treatment plant should be considered 100% used and useful. The water transmission and distribution system should be considered 90% used and useful.</p> <p><u>ISSUE 4</u>: Should an acquisition adjustment be approved in the determination of the utility's rate base? <u>RECOMMENDATION</u>: No. An acquisition adjustment should not be approved in the determination of the utility's rate base.</p> <p><u>ISSUE 5</u>: What is the appropriate average test year rate base for the utility? <u>RECOMMENDATION</u>: The appropriate average test year rate base for Holmes Utility is \$24,135 for water. The utility should be required to complete all pro forma additions, as discussed in the analysis portion of staff's November 7, 2001 memorandum, within nine months of the effective date of the Commission Order.</p>

ITEM NO.

CASE

26\*\*PAA

Docket No. 010403-WU - Application for staff-assisted rate case in Highlands County by Holmes Utilities, Inc.

(Continued from previous page)

ISSUE 6: What is the appropriate rate of return on equity and the appropriate overall rate of return for this utility?

RECOMMENDATION: The appropriate return on equity is 9.94% with a range of 8.94% - 10.94%. The appropriate overall rate of return is 8.50%.

ISSUE 7: What are the appropriate test year revenues?

RECOMMENDATION: The appropriate test year revenues for the utility are \$10,522 for water.

ISSUE 8: What is the appropriate amount of operating expense?

RECOMMENDATION: The appropriate amount of operating expenses for this utility is \$22,113.

ISSUE 9: What is the appropriate revenue requirement?

RECOMMENDATION: The appropriate revenue requirement is \$24,164 for water.

ISSUE 10: Is a revision to the utility's current inclining-block rate structure for its water system appropriate in this case, and, if so, what is the appropriate conservation adjustment, and what are the appropriate number of usage blocks and usage block rate factors?

RECOMMENDATION: Yes. A revision to the utility's current rate structure for its water system is appropriate. No conservation adjustment is recommended. The rate structure should be changed to a two-tier inclining-block rate structure. The recommended usage blocks are for monthly consumption of: 1) 0-10,000 gallons; and 2) in excess of 10,000 gallons (10 kgal), with usage block rate factors of 1.0 and 1.25, respectively.

ISSUE 11: Is an adjustment to reflect repression of consumption appropriate in this case, and, if so, what is the appropriate repression adjustment?

RECOMMENDATION: Yes. A repression adjustment of 117 kgal to consumption is appropriate. In order to monitor the effects of both the change in rate structure and the recommended revenue increase, the utility should be ordered to prepare monthly reports detailing the number of bills rendered, the consumption billed and the revenue billed. These reports should be provided, by customer class and meter size, on a



ITEM NO.

CASE

26\*\*PAA

Docket No. 010403-WU - Application for staff-assisted rate case in Highlands County by Holmes Utilities, Inc.

(Continued from previous page)

quarterly basis for a period of two years, beginning with the first billing period after the increased rates go into effect.

ISSUE 12: What are the appropriate monthly rates for service?

RECOMMENDATION: The appropriate monthly rates should be designed to produce revenues of \$24,164, excluding miscellaneous service charge revenues. The utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date of the revised tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code. The rates should not be implemented until staff has approved the proposed customer notice, and the notice has been received by the customers. The utility should provide proof of the date notice was given no less than 10 days after the date of the notice.

ISSUE 13: What is the appropriate amount by which rates should be reduced four years after the established effective date to reflect the removal of the amortized rate case expense as required by Section 367.0816, Florida Statutes?

RECOMMENDATION: The water rates should be reduced as shown on Schedule 4 of staff's memorandum, to remove rate case expense grossed up for regulatory assessment fees and amortized over a four-year period. The decrease in rates should become effective immediately following the expiration of the four-year rate case expense recovery period, pursuant to Section 367.0816, Florida Statutes. The utility should be required to file revised tariffs and a proposed customer notice setting forth the lower rates and the reason for the reduction no later than one month prior to the actual date of the required rate reduction. If the utility files this reduction in conjunction with a price index or pass-through rate adjustment, separate data should be filed for the price index and/or pass-through increase or decrease and the reduction in the rates due to the amortized rate case expense.

ITEM NO.

CASE

26\*\*PAA

Docket No. 010403-WU - Application for staff-assisted rate case in Highlands County by Holmes Utilities, Inc.

(Continued from previous page)

ISSUE 14: What are the appropriate customer deposits for this utility?

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

ISSUE 15: Should the utility's service availability charges be revised to include a tap in fee and a meter installation charge, and if so, what are the appropriate charges?

RECOMMENDATION: Yes, the utility's current service availability charges should be revised to include a tap in fee of \$150 and a meter installation charge of \$100. The utility should file revised tariff sheets which are consistent with the Commission's vote. Staff should be given administrative authority to approve the revised tariff sheets upon staff's verification that the tariffs are consistent with the Commission's decision. If revised tariff sheets are filed and approved, the service availability charges should become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed.

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

RECOMMENDATION: Yes. Pursuant to Section 367.0814(7), Florida Statutes, the recommended rates should be approved for the utility on a temporary basis, subject to refund, in the event of a protest filed by a party other than the utility. Prior to implementation of any temporary rates, the utility should provide appropriate security. If the recommended rates are approved on a temporary basis, the

<u>ITEM NO.</u>	<u>CASE</u>
26**PAA	Docket No. 010403-WU - Application for staff-assisted rate case in Highlands County by Holmes Utilities, Inc.

(Continued from previous page)

rates collected by the utility should be subject to the refund provisions discussed in the staff analysis. In addition, after the increased rates are in effect, pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility should file reports with the Commission's Division of Economic Regulation no later than the 20th of each month indicating the monthly and total amount of money subject to refund at the end of the preceding month. The report filed should also indicate the status of the security being used to guarantee repayment of any potential refund.

ISSUE 17: Should Holmes Utilities, Inc. be ordered to show cause, in writing, within 21 days, why it should not be fined for failure to comply with its tariff, in apparent violation of Sections 367.081(1), and 367.091(3), Florida Statutes?

RECOMMENDATION: No. Show cause proceedings should not be initiated at this time. The utility should hereby be put on notice that it must continue to comply with its tariff and bill accordingly in the future.

ISSUE 18: Should this docket be closed?

RECOMMENDATION: No. If no timely protest is received upon expiration of the protest period, the PAA Order will become final upon the issuance of a Consummating Order. However, this docket should remain open for an additional nine months from the effective date of the Order to allow staff to verify completion of pro forma plant described in Issue No. 5. Once staff has verified that this work has been completed, the docket should be closed administratively.

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

---

27\*\*

Docket No. 960786B-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Third Party OSS Testing)  
Docket No. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

Critical Date(s): None

Commissioners Assigned: Jacobs, Deason (981834-TP)  
Commissioners Assigned: Full Commission (960786B-TL)  
Prehearing Officer: Deason

Staff: LEG: B. Keating, Banks, Helton  
CMP: Simmons  
RGO: Harvey, Vinson

ISSUE 1: Should AT&T's Motion to Investigate BellSouth's Conduct in the OSS Testing (Motion) be granted?

RECOMMENDATION: No. Staff believes that AT&T's Motion to Investigate BellSouth's Conduct in the OSS Testing should be denied. Staff has investigated AT&T's allegation that BellSouth's preferential treatment of certain LSRs had an adverse impact on the Florida OSS test. Staff has concluded that the impact on the Florida test is nonexistent. In addition, staff believes that BellSouth is clearly required to notify ALECs of ALEC-affecting changes relating to LENS, EDI, TAG, TAFI, ECFA and CSOTS. However, none of these systems have been retired. Therefore, staff believes that there is no reason for concern that the results of the Florida OSS test may lack integrity or be tainted.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No. These dockets should remain open pending the outcome of the Third-Party OSS Testing.

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
28**	<p>Docket No. 980498-TP - Petition by GTC, Inc. d/b/a GT Com to terminate interLATA access subsidy and convert to payment of access charge revenue directly to GTC, Inc. d/b/a GT Com.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Baez</p> <p>Staff: LEG: B. Keating CMP: Wright</p> <p><u>ISSUE 1</u>: Should the Commission, on its own motion, dismiss GTC's Petition and close Docket No. 980498-TP? <u>PRIMARY RECOMMENDATION</u>: Yes. Staff recommends that the subject of GTC's Petition has been rendered moot by the Commission's decision in Docket No. 970808-TL and the Supreme Court's affirmance of that decision as it pertained to GTC. Therefore, this Petition should be dismissed with prejudice.</p> <p><u>DECISION</u>: The primary recommendation was approved.</p> <p><u>ALTERNATIVE RECOMMENDATION</u>: In the alternative, the Commission should, on its own motion, dismiss this Petition without prejudice, and close the docket because there has been no activity in the case for over one year.</p> <p><u>DECISION</u>: The alternative recommendation was denied.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. If the Commission approves either of staff's recommendations in Issue 1, this docket should be closed.</p> <p><u>DECISION</u>: The recommendation was approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

ITEM NO.

CASE

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29\*\*

Docket No. 001551-WS - Application for transfer of Certificate Nos. 544-W and 474-S in Highlands County from Highlands Ridge Associates, Inc. to Highlands Ridge Utilities, LLC.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Palecki

Staff: LEG: Crosby, Gervasi

RGO: Johnson, Redemann

ISSUE 1: Should HRU's request for an extension of time to file proof of ownership of the land upon which the utility's facilities are located be granted?

RECOMMENDATION: Yes. HRU's request for an extension of time to file proof of ownership of the land upon which the utility's facilities are located should be granted. HRU should be required to file proof that it owns or has continued use of the land within 30 days of closing of the transfer.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. The docket should remain open pending receipt of proof that HRU owns the land upon which the utility's facilities are located or that the utility has 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

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

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30\*\*

Docket No. 010887-WS - Application for approval of merger of Utilities, Inc. and Nuon Acquisition Sub, Inc., an Illinois corporation, for determination of Commission's jurisdiction of such merger, and for the transfer of majority organizational control to nvNuon, a Netherlands corporation.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Jaber

Staff: RGO: Brady  
LEG: Harris

ISSUE 1: Should the transfer of majority organizational control of Utilities, Inc. to nvNuon be approved?

RECOMMENDATION: Yes. The transfer of majority organizational control of Utilities, Inc. to nvNuon is in the public interest and should be approved. The rates and charges approved for Utilities, Inc.'s Florida utility subsidiaries should be continued until authorized to change by the Commission in a subsequent proceeding.

ISSUE 2: Should the docket be closed?

RECOMMENDATION: Yes. There are no issues remaining and the docket should be closed upon the issuance of the Final Order.

DECISION: The recommendations were approved.

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

Minutes of  
Commission Conference  
November 19, 2001

<u>ITEM NO.</u>	<u>CASE</u>
31	<p>Docket No. 010302-TP - Petition by ALLTEL Communications, Inc. for arbitration of certain open issues in existing interconnection agreement with BellSouth Telecommunications, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Deason, Jaber, Palecki Prehearing Officer: Palecki</p> <p>Staff: CMP: Cater, Wright LEG: Fudge</p> <p><u>ISSUE 1</u>: Should BellSouth's Products and Services Interval Guide be incorporated into the interconnection agreement? <u>RECOMMENDATION</u>: No. BellSouth's Products and Services Interval Guide should not be incorporated into the interconnection agreement. However, whenever BellSouth lengthens a products and services interval it should notify ALLTEL 30 days prior to the effective date of the change so that ALLTEL can change its internal processes. In addition, the new intervals should only apply to orders placed with BellSouth on or after the effective date of the revised intervals.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: 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 the issuance of the Commission's Order. This docket should remain open pending the Commission approval of the final arbitration agreement in accordance with Section 252 of the Telecommunications Act of 1996.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Deason, Jaber, Palecki</p>



ITEM NO.

CASE

32\*\*PAA

Docket No. 001109-TI - Initiation of show cause proceedings against WebNet Communications, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, and Toll Provider Selection.

Critical Date(s): None

Commissioners Assigned: Jaber, Baez, Palecki

Prehearing Officer: Baez

Staff: LEG: Knight

CMP: M. Watts

ISSUE 1: Should the Commission accept the settlement offer proposed by WebNet Communications, Inc. to resolve the apparent violation of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection?

RECOMMENDATION: Yes. Staff recommends that the Commission accept the company's settlement offer to resolve the apparent violation of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection. WebNet should be required to file a report with the Commission within 90 days of the issuance of the Commission's Order expounding how WebNet has complied with the provisions of its settlement offer and resolved all of the complaints filed against the company, up to and including the date of issuance of the Commission's Order. According to its settlement offer, WebNet's Certificate No. 7220 should be canceled, effective February 8, 2002. If WebNet fails to file a report with the Commission within 90 days of the issuance of the Commission's Order, and demonstrate that it has complied with its settlement offer and resolved all of the complaints filed against the company up to and including the date of issuance of the Commission's Order, further proceedings should be initiated.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected by the proposed actions files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's Order will become final upon issuance of a Consummating Order. If the Commission's Order is not protested and WebNet complies with its settlement

Minutes of  
Commission Conference  
November 19, 2001

ITEM NO.

CASE

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32\*\*PAA

Docket No. 001109-TI - Initiation of show cause proceedings against WebNet Communications, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, and Toll Provider Selection.

(Continued from previous page)

offer, this docket should be closed administratively. If WebNet fails to show that it has complied with its settlement offer within 90 days of the issuance of the Commission's Order, this docket should remain open pending further proceedings.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Baez, Palecki