

MINUTES OF
COMMISSION CONFERENCE, TUESDAY, NOVEMBER 28, 2000
COMMENCED: 9:30 a.m.
ADJOURNED: 5:00 p.m.

COMMISSIONERS PRESENT: Chairman Deason
Commissioner Jacobs
Commissioner Jaber
Commissioner Baez

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

1 Approval of Minutes
September 26, 2000 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

2** Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001577-TC	Roger Hester d/b/a Catch 84 Communications
001584-TC	Clean Machine of South Beach, Inc.
001625-TC	Michael Brandenberger
001648-TC	Cafe Thirty-A, Inc.
001583-TC	M.G. Oil Company Key West FL
001667-TC	Zmail Media, Inc.
001668-TC	Coastal Phone Services, Inc.
001674-TC	John Anton Kellmann d/b/a Quarterback Vending

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<u>ITEM NO.</u>	<u>CASE</u>
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PAA	B) Applications for certificates to provide alternative local exchange telecommunications service.
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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001538-TX	Southern Telcom Network, Inc.
000990-TX	DSL Telecom, Inc.
000991-TX	Biz-Tel Corporation
001221-TX	S.F.M.&T., Inc.
001315-TX	Sigma Networks Telecommunications, Inc.
001424-TX	Sphera Optical Networks N.A., Inc. d/b/a Sphera Networks
001452-TX	NetworkIP, L.L.C.
001126-TX	Utility Board of the City of Key West - City Electric System

PAA	C) Applications for certificates to provide interexchange telecommunications service.
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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001407-TI	Call Sciences, Inc.
000989-TI	DSL Telecom, Inc.
001392-TI	Travelers Media, Inc.
001289-TI	Evolution Networks South, Inc.
001192-TI	Backbone Communications Inc.
001233-TI	Touch America, Inc.
001220-TI	S.F.M.&T., Inc.
000735-TI	Pac-West Telecomm, Inc.

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DOCKET NO.	COMPANY NAME
001193-TI	Norbel Telecom, Inc.
001331-TI	Sigma Networks Telecommunications, Inc.
001349-TI	Everest Broadband Networks of Florida, Inc.
001560-TI	ADMA Telecom, Inc.

PAA D) DOCKET NO. 001661-TC - Request for cancellation of Pay Telephone Certificate No. 5601 by Obaed Enterprises, Inc., and application for certificate to provide pay telephone service by Amity Enterprises, Inc. d/b/a Food Mart Express.

E) Requests for approval of resale agreements.

DOCKET NO.	COMPANY NAME	CRITICAL DATE
001393-TP	BellSouth Telecommunications, Inc.; Southern Telemanagement Group, Inc.	12/18/00
001429-TP	BellSouth Telecommunications, Inc.; Sandhills Telecommunications Group, Inc.	12/17/00
001443-TP	BellSouth Telecommunications, Inc.; HJN Telecom, Inc.	12/20/00
001499-TP	Budget Comm; Verizon Florida Inc.	12/27/00
001505-TP	BellSouth Telecommunications, Inc.; Express Phone Service, Inc.	12/28/00

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001506-TP	BellSouth Telecommunications, Inc.; Tele-Phone Communications, Inc.	12/28/00
001507-TP	BellSouth Telecommunications, Inc.; Deland Actel, Inc.	12/28/00
001508-TP	BellSouth Telecommunications, Inc.; State Discount Telephone, L.L.C.	12/28/00
001524-TP	AMAFLA Telecom, Inc.; BellSouth Telecommunications, Inc.	12/29/00
001528-TP	BellSouth Telecommunications, Inc.; SATCOM Communication Corporation d/b/a SATCOM Communication	01/02/01
001530-TP	Verizon Florida Inc.; WAMnet Communications Inc.	12/29/00

PAA F) DOCKET NO. 001522-TP - Request for approval of pro forma transfer of ALEC Certificate No. 5181 and IXC Certificate No. 5182 from Wireless One Network, L.P. d/b/a Cellular One of Southwest Florida to Wireless One Network Management, L.P.

PAA G) DOCKET NO. 001441-TP - Request by Focal Communications Corporation of Florida (holder of ALEC Certificate No. 5618 and IXC Certificate No. 5619) for approval of an internal pro forma corporate reorganization, whereby Focal Communications' sister company, Focal Financial Services, Inc. will be interposed between Focal Communications and Focal Communications' direct parent company, Focal Communications Corporation.

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PAA	H) DOCKET NO. 001580-TP - Request for approval of transfer of control of Intermedia Communications, Inc. (holder of AAV and ALEC Certificate No. 2939, IXC Certificate No. 1565, and STS Certificate No. 4448) to WorldCom, Inc.
PAA	I) DOCKET NO. 001202-TP - Joint application of Citizens Communications Company ("Citizens") (owner of 100% of outstanding common stock of Citizens Telecommunications Company, Inc. d/b/a Citizens Communications Company, holder of IXC Certificate No. 4465), Frontier Communications of the South, Inc. (holder of LEC Certificate No. 5) and Frontier Communications of America, Inc. (IXC and ALEC certificates pending), subsidiaries of Frontier Subsidiary Telco Inc. ("Frontier"), for approval of acquisition of all stock of Frontier by Citizens.
	J) DOCKET NO. 001394-TP - Request by Sprint-Florida, Incorporated for approval of interconnection, unbundling, and resale agreement with Computer Business Sciences, Inc.

(Critical Date: 12/18/00)

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

DOCKET NO.	COMPANY NAME	Critical Date
001371-TP	BellSouth Telecommunications, Inc.; Teleport Communications, Inc. (TCG)	12/10/00
001372-TP	AT&T Communications of the Southern States, Inc. d/b/a AT&T; BellSouth Telecommunications, Inc.	12/10/00

L) DOCKET NO. 001504-TP - Request by BellSouth Telecommunications, Inc. for approval of physical collocation agreement with Progress Telecommunications Corporation.

(Critical Date: 12/28/00)

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

DOCKET NO.	COMPANY NAME	CRITICAL DATE
001438-TP	BellSouth Telecommunications, Inc.; Network Plus, Inc. d/b/a Hale and Father, Inc.	12/19/00
001439-TP	BellSouth Telecommunications, Inc.; Navigator Telecommunications, LLC.	12/19/00
001446-TP	BellSouth Telecommunications, Inc.; Intetech, L.C.	12/24/00

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<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
001509-TP	BellSouth Telecommunications, Inc.; MGC Communications, Inc. D/b/a Mpower Communications Corp.	12/28/00
001525-TP	BellSouth Telecommunications, Inc.; Birch Telecom of the South, Inc.	12/29/00
001531-TP	BellSouth Telecommunications, Inc.; Centennial Florida Switch Corp.	12/29/00
001534-TP	BellSouth Telecommunications, Inc.; Essex Communications, Inc. d/b/a eLEC Communications.	01/03/01

N) DOCKET NO. 001396-TP - Request by Sprint-Florida, Incorporated for approval of interconnection, unbundling, and resale agreement and interim line sharing amendment with Empire Telecom Services, Inc.
 (Critical Date: 12/18/00)

PAA O) DOCKET NO. 001533-TI - Request by Premiere Communications, Inc. for approval of sale of certain retail long distance calling card assets to Telecare, Inc. d/b/a Cartele, Inc.

PAA P) DOCKET NO. 001435-TP - Application of A.R.C. Networks, Inc., (holder of IXC Certificate No. 4702 and ALEC Certificate No. 4740), a wholly owned subsidiary of Arc Networks, Inc., which is a wholly owned subsidiary of InfoHighway Communications Corporation ("ICC"); Info-Highway International, Inc. ("IHI"); GTCR Fund VII, L.P. ("GTCR VII"); and GTCR Co-Invest, L.P. ("GTCR Co-Invest" and, collectively with GTCR VII, "GTCR") for

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authority for the acquisition by GTCR of approximately 71 percent of outstanding common stock of ICC and acquisition of IHI by ICC.

PAA

Q) DOCKET NO. 001427-TX - Joint application for approval of reorganization whereby Metrolink Internet Services of Port Saint Lucie, Inc. (holder of ALEC Certificate No. 5324), a wholly owned subsidiary of DURO Communications Corporation, will be merged with and into ALEC, Inc., a wholly owned subsidiary of DURO.

R) DOCKET NO. 001555-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 2001. 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.

Recommendation: The Commission should approve the action requested in the dockets referenced above and close these dockets, with the exception of Docket No. 001555-GU, which must remain open for monitoring purposes.

DECISION: The recommendation was approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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3	<p>DOCKET NO. 000643-EU - Petition for declaratory statement regarding applicability of individual meter rule exemption in Rule 25-6.049(5)(a)3, F.A.C., to Valencia Area Condominium Association, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: APP: Bellak ECR: Wheeler</p> <p>(Parties may participate at the Commission's discretion.) <u>Issue 1</u>: Should this docket be closed? <u>Recommendation</u>: Yes.</p>

DECISION: The recommendation was approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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4**	<p>DOCKET NO. 000543-EI - Proposed Rule 25-6.04365, F.A.C., Nuclear Decommissioning.</p> <p>Critical Date(s): None</p> <p>Rule Status: Proposed</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: APP: Helton ECR: Lee, Hewitt LEG: Elias PAI: Tew</p> <p><u>Issue 1</u>: Should the Commission propose Rule 25-6.04365, F.A.C., Nuclear Decommissioning? <u>Recommendation</u>: Yes, the Commission should propose Rule 25- 6.04365.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If no requests for hearing or comments are filed, the rule as proposed should be filed for adoption with the Secretary of State and the docket closed.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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CASE

5**PAA

DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.
DOCKET NO. 960786-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996.

Critical Date(s): None

Hearing Date(s): Available upon request

Commissioners Assigned: Full Commission (981834 - for this decision)
Prehrg Officer DS
Full Commission (960786)
Prehrg Officer - Pending

Staff: CMP: Simmons
ECR: Stallcup
LEG: Vaccaro
RGO: Harvey, Vinson

Issue 1: Should the Commission approve the revised interim performance metrics recommended by KPMG?

Recommendation: Yes. Staff recommends the revised interim performance metrics (Attachment I to staff's 11/16/00 memorandum) recommended by KPMG should be approved by the Commission.

Issue 2: Should the Commission approve the revised retail analogs and benchmarks?

Recommendation: Yes. Staff recommends the retail analogs and benchmarks recommended by KPMG (Attachment II to staff's memorandum) should be approved by the Commission.

Issue 3: Should the "anticipated volumes" test date specified in the BellSouth Operational Support System Third-Party Test Master Test Plan be modified?

Recommendation: Yes. The "anticipated volumes" test date should be modified from a static date of July 2001 to a date calculated based on the estimated test completion date. The recommended calculation is the estimated test completion date plus nine months. Adjustments to the volumes should

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5**PAA

DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.
DOCKET NO. 960786-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996.

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only be made after a three-month slide in the test completion date.

Issue 4: Should these dockets be closed?

Recommendation: No. Whether or not the Commission approves staff's recommendations in issues 1, 2 and 3, these dockets should remain open to address the issues raised in FCCA's Petition for Commission Action to Support Local Competition in BellSouth's Service Territory and BellSouth's compliance with Section 271 of the Act. If the Commission approves staff's recommendations, the Commission's decision on these issues will become final upon issuance of a consummating order if no person whose substantial interests are affected files a timely protest.

DECISION: The recommendations were approved with clarifications to Issues 1 and 2 made at the Conference.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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<u>ITEM NO.</u>	<u>CASE</u>
6**PAA	<p>DOCKET NO. 001650-TL - Investigation of 1998 and January 1 through February 28, 1999 earnings of ALLTEL Florida, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: CMP: Cater, Wright, Simmons ECR: Mailhot LEG: Elliott, Banks</p> <p><u>Issue 1</u>: What is the amount of overearnings for January 1, 1998 through February 28, 1999? <u>Recommendation</u>: The amount of overearnings including interest for January 1, 1998 through February 28, 1999, is \$648,000.</p> <p><u>Issue 2</u>: What is the appropriate disposition of the overearnings identified in Issue 1? <u>Recommendation</u>: The overearnings should be refunded to customers of record at the time of the refund, applying the refund requirements stated in Rule 25-4.114, Florida Administrative Code, as set forth in the analysis portion of staff's 11/16/00 memorandum. The refund should be made during the February 2001 billing cycle.</p> <p><u>Issue 3</u>: Should this docket be closed? <u>Recommendation</u>: No. If no person whose interests are substantially affected by the proposed action files a protest of the Commission's decision on within the 21-day protest period, the Commission's Order will become final upon the issuance of a consummating order. This docket should, however, remain open pending the completion of the refund and receipt of the final report on the refund. After completion of the refund, the receipt of the final refund report, and receipt by this Commission of any unrefunded amount, this docket may be closed administratively.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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<u>ITEM NO.</u>	<u>CASE</u>
7**PAA	<p>DOCKET NO. 001615-EI - Petition for extension of experimental real-time pricing rate by Florida Power & Light Company.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: ECR: Springer, E. Draper LEG: Walker</p> <p><u>Issue 1</u>: Should the Commission approve Florida Power & Light Company's petition to extend the existing Real Time Pricing rate schedule through March 31, 2001? <u>Recommendation</u>: Yes. The proposed extension of the existing Real Time Pricing pilot program should be approved.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes, if no protest is filed within 21 days of the issuance of the order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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CASE

8**PAA

DOCKET NO. 001437-EI - Request by Florida Power & Light Company for approval to begin depreciating Ft. Myers Power Plant using whole life depreciation rates currently approved for Martin Power Plant, Unit No. 4.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: P. Lee
LEG: Hart
SER: Breman, Lee

Issue 1: Should new depreciation rates be approved for the Ft. Myers Plant?

Recommendation: Yes. The whole life depreciation rates shown on Attachment A, page 5 of staff's 11/16/00 memorandum, should be approved for the combustion turbine units being installed at the Ft. Myers site, pending a comprehensive study in 2002. The rates reflect those underlying the currently prescribed remaining life rates for Martin Common and Unit No. 4.

Issue 2: What should be the implementation date for depreciation rates for the Ft. Myers CT units?

Recommendation: Staff recommends approval of FPL's proposal that depreciation rates be implemented effective with the in-service date of each CT unit (November 1, 2000, December 1, 2000, April 1, 2001, May 1, 2001, and June 1, 2001).

Issue 3: Should this docket be closed?

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

DECISION: The recommendations were approved with corrections to Issue 1 made at the Conference.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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ITEM NO.

CASE

9**

DOCKET NO. 000518-EI - Revised depreciation study for Sanford Site by Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: P. Lee, Swain
LEG: Isaac
SER: Colson

Issue 1: Should FPL's November 8, 2000 request for withdrawal be approved?

Recommendation: Yes. By the Stipulation approved by Order No. PSC-99-0519-AS-EI, depreciation rates approved by Order No. PSC-99-0073-FOF-EI should not be increased through April 15, 2002. In its November 8, 2000 letter, FPL states it has determined that the Sanford depreciation request is not permitted at this time due to the Stipulation.

Issue 2: What action should the Commission take given Order No. PSC-00-1224-PCO-EI and Amendatory Order No. PSC-00-1224A-PCO-EI granting preliminary implementation of FPL's proposed depreciation rates and recovery schedule revisions to the Sanford Site?

Recommendation: Staff recommends that the depreciation rates approved for preliminary implementation be revised to reflect those approved by Order No. PSC-99-0073-FOF-EI and PSC-99-0958-FOF-EI, as shown on Attachment A, page 5 of staff's 11/16/00 memorandum. Additionally, the company should true up the resulting expenses effective January 1, 2000.

Issue 3: Should this docket be closed?

Recommendation: Yes. This docket should be closed unless any party adversely affected by this decision requests reconsideration within fifteen (15) days of the issuance of this order, or seeks judicial review within thirty (30) days after the issuance of the Commission's Order.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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ITEM NO.

CASE

9**

DOCKET NO. 000518-EI - Revised depreciation study for
Sanford Site by Florida Power & Light Company.

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<u>ITEM NO.</u>	<u>CASE</u>
10**PAA	<p>DOCKET NO. 001608-EI - Petition for approval of depreciation rates for new plant subaccounts by Florida Power Corporation.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: ECR: P. Lee LEG: D. Hart SER: L. Colson</p> <p><u>Issue 1</u>: Should depreciation rates be approved for three new combustion turbine units at FPC's Intercession City Plant site? <u>Recommendation</u>: Yes. Staff recommends that FPC's proposed 3.7% whole-life depreciation rate (30-year average service life and negative 10% net salvage value) be approved for the new CT units being installed at the Intercession City plant site. Based on an estimated in-service investment of \$87,000,000, the resulting annual depreciation expenses for these units will be about \$3.2 million.</p> <p><u>Issue 2</u>: What should be the implementation date for the new depreciation rates? <u>Recommendation</u>: Staff recommends, as the company has proposed, that depreciation rates for the three new CT units be implemented effective with the individual unit commercial operation date.</p> <p><u>Issue 3</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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<u>ITEM NO.</u>	<u>CASE</u>
11**PAA	<p>DOCKET NO. 001199-EI - Petition for waiver of certain requirements of Rule 25-6.0437, F.A.C., as they apply to General Service Non-Demand Rate Class, by Florida Power & Light Company.</p> <p>Critical Date(s): None (90-day period prescribed by Section 120.542, F.S., waived by the Company)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: ECR: Wheeler LEG: Hart</p> <p><u>Issue 1</u>: Should the Commission grant Florida Power & Light Company's request for waiver of certain requirements of Rule 25-6.0437, Florida Administrative Code, that are applicable to the General Service Non-Demand rate class? <u>Recommendation</u>: Yes.</p> <p><u>Issue 2</u>: Should the Commission approve FPL's petition for a continued waiver of the two-year sample replacement cycle for all rate classes required by Rule 25-6.0437, Florida Administrative Code? <u>Recommendation</u>: Yes.</p> <p><u>Issue 3</u>: Should the Commission approve FPL's proposed load research sampling plan? <u>Recommendation</u>: Yes.</p> <p><u>Issue 4</u>: Should this docket be closed? <u>Recommendation</u>: Yes. This docket should be closed if no person whose substantial interests are affected by the proposed agency action files a protest within the 21-day protest period.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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<u>ITEM NO.</u>	<u>CASE</u>
12**	<p>DOCKET NO. 000392-EI - Petitions for approval of Underground Residential Distribution tariff revisions by Gulf Power Company and Tampa Electric Company.</p> <p>Critical Date(s): 12/3/00 (8-month effective date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: ECR: Ging LEG: Isaac RGO: Yambor SER: Breman, Lee</p> <p><u>Issue 1</u>: Should the Commission approve Tampa Electric Company's updated tariff sheets and charges associated with the installation of underground electric distribution facilities? <u>Recommendation</u>: Yes. The Commission should approve TECO's proposed revisions to its residential underground tariff differentials.</p> <p><u>Issue 2</u>: What is the appropriate effective date for TECO's residential underground tariff differentials? <u>Recommendation</u>: The appropriate effective date for TECO's residential underground tariff differentials is November 28, 2000.</p> <p><u>Issue 3</u>: Should the Commission approve Gulf Power Company's updated tariff sheets and charges associated with the installation of underground electric distribution facilities? <u>Recommendation</u>: Yes. The Commission should approve Gulf's residential underground tariff differentials.</p> <p><u>Issue 4</u>: What is the appropriate effective date for Gulf's residential underground tariff differentials? <u>Recommendation</u>: The appropriate effective date for Gulf's residential underground tariff differentials is November 28, 2000.</p> <p><u>Issue 5</u>: Should this docket be closed? <u>Recommendation</u>: Yes, if no protest is filed within 21 days of the issuance of the order.</p>

DECISION: The recommendations were approved.

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<u>ITEM NO.</u>	<u>CASE</u>
12**	DOCKET NO. 000392-EI - Petitions for approval of Underground Residential Distribution tariff revisions by Gulf Power Company and Tampa Electric Company.

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Commissioners participating: Deason, Jacobs, Jaber, Baez

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13**

DOCKET NO. 001487-EI - Petition for approval of modification to non-firm electric service tariff sheets and petition for waiver of Rule 25-6.0438(8), F.A.C., pertaining to written notice to transfer to firm service, by Tampa Electric Company.

Critical Date(s): 11/27/00 (60-day suspend date)
5/27/01 (8-month effective date)
12/27/00 (90-day rule waiver date)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: Ging
LEG: Walker

Issue 1: Should the Commission approve TECO's petition for modification to its Non-Firm Electric Service Tariff Sheets pertaining to the written notice requirement to transfer to firm service?

Recommendation: Yes. The Commission should approve TECO's petition for modification to its IS-1, IS-3, IST-1, IST-3, SBI-1 and SBI-3 Non-Firm Electric Service Tariff Sheets pertaining to written notice to transfer to firm service.

Issue 2: What is the appropriate effective date for TECO's revised non-firm electric service tariff sheets?

Recommendation: The appropriate effective date for TECO's revised non-firm electric service tariff sheets is November 28, 2000.

Issue 3: Should this docket be closed?

Recommendation: Yes, if no protest is filed within 21 days of the issuance of the order.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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ITEM NO.

CASE

14**

DOCKET NO. 001613-WS - Disposition of delinquent regulatory assessment fees for Bonita Center Treatment Plant, Inc.; Eastdestin Wastewater Service, Inc.; East Naples Sewer Treatment Corp.; Green Acres Estates; Heritage Woods 'N Lakes Estates, a Division of Sunshine States Corp.; Naples Sewer Company; Ocean City Utilities, Inc.; Southeastern States Utilities, Inc.; and Springs Plaza Sewer System, Inc., all companies no longer subject to Florida Public Service Commission jurisdiction.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: ECR: T. L. Davis, Kaproth
ADM: Sewell
LEG: Fudge

Issue 1: Should the utilities identified in the analysis portion of staff's 11/16/00 memorandum be ordered to show cause, in writing, within 21 days, why they should not remit RAFs, statutory penalties, and interest in their respective amounts for their apparent violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to pay delinquent RAFs?

Recommendation: No. Show cause proceedings should not be initiated. Staff further recommends that the Commission refer the utilities' unpaid RAFs and associated penalties and interest to the State Comptroller's Office, Department of Banking and Finance, for permission to write off the accounts as uncollectible, in the amounts identified in the staff analysis.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation, upon referral to the State Comptroller's Office, Department of Banking and Finance, no further action will be required, and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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14**

DOCKET NO. 001613-WS - Disposition of delinquent regulatory assessment fees for Bonita Center Treatment Plant, Inc.; Eastdestin Wastewater Service, Inc.; East Naples Sewer Treatment Corp.; Green Acres Estates; Heritage Woods 'N Lakes Estates, a Division of Sunshine States Corp.; Naples Sewer Company; Ocean City Utilities, Inc.; Southeastern States Utilities, Inc.; and Springs Plaza Sewer System, Inc., all companies no longer subject to Florida Public Service Commission jurisdiction.

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CASE

15**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
Prehrg Officer JC

Staff: ECR: T. Davis, Wetherington, Crouch, B. Davis,
Merchant
LEG: VanLeuven

Issue 1: As proposed in Alternative No. 1, is the elimination of five water treatment plants, the construction of a single water treatment plant, and the proposed interconnection of all five systems by constructing approximately nine miles of transmission mains for the purpose of eliminating contamination problems and meeting development demands prudent and justified?

Recommendation: No. The utility's proposal to eliminate five water treatment plants, construct a single water treatment plant, and interconnect all five systems by constructing approximately nine miles of transmission mains for the purpose of eliminating contamination problems and meeting development demands is not prudent or justified.

Issue 2: Should Alternative No. 1 of this limited proceeding for an increase in rates and charges to all the customers of Sunshine be approved?

Recommendation: No. The proposed expansion will only create a slight improvement to a few of Sunshine's customers, and would not benefit all the customers of Sunshine Utilities. Therefore, the limited proceeding to approve Alternative No. 1 should be denied.

Issue 3: Should Alternative No. 2 to this limited proceeding, whereby the utility will only eliminate four water treatment plants, construct a single water treatment plant, interconnect the four systems with approximately six miles of water mains for the purpose of eliminating contamination problems and meeting development demands, with the rate increase passed on to either all of its customers,

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CASE

15**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)

or only to the customers of the four affected systems, be approved?

Recommendation: No. Alternative No. 2 should be denied. The proposal in Alternative No. 2, although less involved than Alternative No. 1, has very limited benefit to all of the existing customers of Sunshine Utilities. The major benefit again appears to be to the utility, which would gain a greatly enlarged system capable of serving a larger and a future customer base with limited benefit to the customers of the four systems involved. However, if the Commission approves this alternative, staff recommends that a used and useful analysis be performed and the rates set to collect the majority of the modification costs from the future customers who the utility will be capable of serving after the proposed modifications and interconnections.

Issue 4: Should the Commission, on its own motion, update Sunshine's authorized return on equity (ROE)?

Recommendation: Yes. The utility's authorized ROE should be lowered from 11.89% to 9.38%, with a range of 8.38% to 10.38%, in order to establish a more appropriate return on a going-forward basis.

Issue 5: Should the annual Allowance for Funds Used During Construction (AFUDC) rate for Sunshine be changed?

Recommendation: Yes. The annual AFUDC rate for Sunshine should be changed from 6.50% to 9.04% and the discounted monthly rate should be 0.753021%. The effective date of the new AFUDC rate should be January 1, 2000.

Issue 6: 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.

Issue 7: Should this docket be closed?

Recommendation: Yes. If no timely protest is received upon the expiration of the 21-day protest period, the PAA Order

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15**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)

will become final upon the issuance of the consummating order, and this docket should be closed.

DECISION: This item was deferred to the December 19, 2000 Commission Conference.

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<u>ITEM NO.</u>	<u>CASE</u>
16**	DOCKET NO. 980876-WS - Application for certificates to operate a water and wastewater utility in Marion County by Ocala Springs Utilities Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer DS

Staff: LEG: Cibula
RGO: Brady, Rieger

Issue 1: Should the Commission grant Ocala Springs Utilities, Inc.'s Amended Request for Extension of Time to File Information Pursuant to Orders Nos. PSC-98-1644-FOF-WS and PSC-98-1374-PCO-WS?

Recommendation: Yes. The Commission should grant Ocala Springs Utilities, Inc.'s Amended Request for Extension of Time to File Information Pursuant to Orders Nos. PSC-98-1644-FOF-WS and PSC-98-1374-PCO-WS. As requested in its filing, the utility should be allowed until February 7, 2002, to file an application to establish initial rates and charges for the utility, along with the other supporting information required by Orders Nos. PSC-98-1644-FOF-WS and PSC-98-1374-PCO-WS. Moreover, staff recommends that Ocala Springs Utilities, Inc., be required to file a status report detailing the utility's progress within eight months of the issuance date of the Order that arises from this recommendation. Staff further recommends that the utility be put on notice that failure to file the information required by Orders Nos. PSC-98-1644-FOF-WS and PSC-98-1374-PCO-WS by February 7, 2002, may result in the initiation of certificate revocation proceedings pursuant to Section 367.111, Florida Statutes.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending completion of the filing requirements by Ocala Springs Utilities, Inc., and the establishment of rates and charges by the Commission.

DECISION: The recommendations were approved.

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CASE

16**

DOCKET NO. 980876-WS - Application for certificates to operate a water and wastewater utility in Marion County by Ocala Springs Utilities Inc.

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Commissioners participating: Deason, Jacobs, Baez

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17**

DOCKET NO. 000081-TI - Request by International Exchange Communications, Inc. d/b/a IE COM (holder of IXC Certificate No. 5798) and NOSVA Limited Partnership (holder of IXC Certificate No. 3560) for approval of an asset purchase agreement whereby IE COM will purchase and NOSVA will sell the international operating division of NOSVA, including all customers thereof.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: RGO: T. Williams
LEG: Elliottt

Issue 1: Should the Commission correct Order No. PSC-00-2064-PAA-TI that references Orders Nos. PSC-00-0437-PAA-TP and PSC-00-0599-CO-TP and replace the reference with Orders Nos. PSC-00-0437-PAA-TI and PSC-00-0599-CO-TI?

Recommendation: Yes. The Commission should correct Order No. PSC-00-2064-PAA-TI to reference Orders Nos. PSC-00-0437-PAA-TI and PSC-00-0599-CO-TI rather than Orders Nos. PSC-0437-PAA-TP and PSC-00-0599-CO-TP.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of the Commission's Order correcting the Order references as discussed in Issue 1.

DECISION: This item was deferred to the December 19, 2000 Commission Conference.

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ITEM NO.

CASE

18**

DOCKET NO. 000462-TP - Application for transfer of control of Florida Digital Network, Inc. (holder of ALEC Certificate No. 5715 and IXC Certificate No. 7048) to Elantic Communications, Inc., whereby Florida Digital will become a direct, wholly owned subsidiary of Elantic.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: RGO: T. Williams
LEG: Banks

Issue 1: Should the Commission correct the reference in Order No. PSC-00-2120-PAA-TP to state Consummating Order No. PSC-00-1429-CO-TP is being vacated rather than Order No. PSC-00-1428-CO-TP?

Recommendation: Yes. Staff recommends that the Commission issue an order to correct the reference in Order No. PSC-00-2120-PAA-TP to state that Consummating Order No. PSC-00-1429-CO-TP is being vacated rather than Order No. PSC-00-1428-CO-TP.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of the Commission's order correcting that part of Order No. PSC-00-2120-PAA-TP, issued November 7, 2000, discussed in Issue 1.

DECISION: This item was deferred to the December 19, 2000 Commission Conference.

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<u>ITEM NO.</u>	<u>CASE</u>
19**	DOCKET NO. 001622-TL - Proposed tariff filing to add new custom calling services and to increase rates for other specified custom calling services by Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone. (T-00-1304 filed 9/25/00)

Critical Date(s): None (30-day effective date extended by company)

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: RGO: Hawkins
CMP: Cater
LEG: Christensen

Issue 1: Should the Commission approve TDS's tariff filing to add New Custom Calling Features and to increase Rates for other Specified Custom Calling Features?

Recommendation: Yes. The Commission should approve TDS's tariff filing to add New Custom Calling Features and to increase Rates for other Specified Custom Calling Features. The tariff filing should become effective November 28, 2000.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no protest is filed 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: Deason, Jacobs, Jaber, Baez

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<u>ITEM NO.</u>	<u>CASE</u>
20**	<p>DOCKET NO. 001623-TL - Proposed tariff filing to increase per-call activation rates for Call Tracing by Frontier Communications of the South, Inc. (T-00-1513 filed 10/20/00)</p> <p>Critical Date(s): None (30-day effective date extended by company)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: RGO: Hawkins CMP: Cater LEG: Christensen</p> <p><u>Issue 1</u>: Should Frontier's proposed tariff filing to increase the per-call activation rate for Call Tracing be approved? <u>Recommendation</u>: Yes. The proposed tariff filing to increase the per-call activation rate for Call Tracing should be approved. The tariff should become effective November 28, 2000.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If no protest is filed within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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<u>ITEM NO.</u>	<u>CASE</u>
21**	<p>DOCKET NO. 001624-TL - Proposed tariff filing to add Call Return/Automatic Call Return and Continuous Redial with Prompting by Frontier Communications of the South, Inc. (T-00-1367 filed 9/20/00)</p> <p>Critical Date(s): None (30-day effective date extended by company)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: RGO: Hawkins CMP: Cater LEG: Christensen</p> <p><u>Issue 1</u>: Should Frontier's proposed tariff filing to add Call Return/Automatic Recall and Continuous Redial with Prompting be approved? <u>Recommendation</u>: Yes. The proposed tariff filing to add Call Return/Automatic Recall and Continuous Redial with Prompting should be approved. The tariff should become effective November 28, 2000.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. If no protest is filed within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

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22**

DOCKET NO. 991462-EI - Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.
DOCKET NO. 000288-EU - Petition for determination of need for an electrical power plant in Lake County by Panda Leesburg Power Partners, L.P.
DOCKET NO. 000289-EU - Petition for determination of need for an electrical power plant in St. Lucie County by Panda Midway Power Partners, L.P.
DOCKET NO. 000612-EU - Petition for determination of need for an electrical power plant in St. Lucie County by Duke Energy St. Lucie, L.L.C.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehrg Officer JC (991462 & 000612)
Prehrg Officer DS (000288 & 000289)

Staff: SER: Haff, Breman, Futrell, Colson, Ballinger
CMP: Makin
ECR: Lester
LEG: C. Keating, Stern, Isaac

Issue 1: Should the Commission grant the motions to abate the need determination proceedings in Docket Nos. 991462-EI, 000288-EU, 000289-EU, and 000612-EU?

Recommendation: No. The motions to abate should be denied.

Issue 2: Should the Commission, on its own motion, dismiss the petitions for determination of need in Docket Nos. 991462-EI, 000288-EU, 000289-EU, and 000612-EU?

Recommendation: Yes. The Commission should dismiss the petitions, on its own motion, in Docket Nos. 991462-EI, 000288-EU, 000289-EU, and 000612-EU for failure to state a cause of action.

Issue 3: Should these dockets be closed?

Recommendation: Yes.

DECISION: The recommendations were denied. The dockets are to be held in abeyance until they U.S. Supreme Court appellate time period has expired in the Duke/New Smyrna base. If no appeal is filed, staff should administratively close the dockets.

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22**

DOCKET NO. 991462-EI - Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

DOCKET NO. 000288-EU - Petition for determination of need for an electrical power plant in Lake County by Panda Leesburg Power Partners, L.P.

DOCKET NO. 000289-EU - Petition for determination of need for an electrical power plant in St. Lucie County by Panda Midway Power Partners, L.P.

DOCKET NO. 000612-EU - Petition for determination of need for an electrical power plant in St. Lucie County by Duke Energy St. Lucie, L.L.C.

(Continued from previous page)

Commissioners participating: Deason, Jacobs, Jaber, Baez

<u>ITEM NO.</u>	<u>CASE</u>
23	DOCKET NO. 991755-TP - Request for arbitration concerning complaint of MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. against BellSouth Telecommunications, Inc. for breach of approved interconnection agreement.

Critical Date(s): None

Hearing Date(s): 8/2/00, Talla., Prehrg., DS
9/6/00, Talla., DS JC JB

Commissioners Assigned: DS JC JB
Prehrg Officer DS

Staff: CMP: Hinton
LEG: Vaccaro

Issue 1: Under FCC Rule 51.711, would MCI and MWC be entitled to be compensated at the sum of the tandem interconnection rate and the end office interconnection rate for calls terminated on their switches if those switches serve a geographic area comparable to the area served by BellSouth's tandem switches?

Recommendation: No. Staff recommends that, under FCC Rule 51.711, compensation at the tandem interconnection rate is only appropriate when the tandem switching function is performed, and the switch serves a geographic area comparable to the area served by BellSouth's tandem switch.

DECISION: The recommendations for Issue 1 was denied. The Commission determined that MCI is not entitled to tandem switching compensation. Sufficient evidence of change in circumstance was not presented to overturn the original agreement.

Issue 2: Do MCI's and MWC's switches serve geographic areas comparable to those served by BST tandem switches?

Recommendation: No. Staff recommends that the Commission find that MCI's and MWC's switches do not serve geographic areas comparable to those served by BellSouth tandem switches.

<u>ITEM NO.</u>	<u>CASE</u>
23	<p>DOCKET NO. 991755-TP - Request for arbitration concerning complaint of MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. against BellSouth Telecommunications, Inc. for breach of approved interconnection agreement.</p> <p>(Continued from previous page)</p> <p><u>DECISION</u>: This issue was rendered moot based on the decision made in Issue 1.</p> <p><u>Issue 3</u>: Should BellSouth be required, pursuant to Part A Section 2.2 or 2.4 of the interconnection agreement, to execute amendments to its interconnection agreements with MCIm and MWC requiring BellSouth to compensate MCIm and MWC at the sum of the tandem interconnection rate and end office interconnection rate for calls terminated on their switches that serve a geographic area comparable to the area served by BellSouth's tandem switches?</p> <p><u>Recommendation</u>: No. BellSouth should not be required, pursuant to Part A Section 2.2 or 2.4 of the interconnection agreement, to execute amendments to its interconnection agreements with MCIm and MWC requiring BellSouth to compensate MCIm and MWC at the sum of the tandem interconnection rate and end office interconnection rate for calls terminated on their switches that serve a geographic area comparable to the area served by BellSouth's tandem switches.</p> <p><u>DECISION</u>: The recommendation was approved consistent with the decision made in Issue 1.</p> <p><u>Issue 4</u>: Are MCIm and MWC entitled to a credit from BellSouth equal to the additional per-minute amount of the tandem interconnection rate from January 25, 1999 to the earlier of (i) the date such amendments are approved by the Commission, or (ii) the date the interconnection agreements are terminated?</p> <p><u>Recommendation</u>: This issue has been stipulated by the parties; therefore, no decision is necessary.</p> <p><u>DECISION</u>: This issue is moot.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
23	DOCKET NO. 991755-TP - Request for arbitration concerning complaint of MCI metro Access Transmission Services LLC and MCI WorldCom Communications, Inc. against BellSouth Telecommunications, Inc. for breach of approved interconnection agreement.

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Issue 5: Should this docket be closed?

Recommendation: Yes. There are no outstanding matters; therefore, this docket should be closed.

DECISION: The recommendation was approved.

Commissioners participating: Deason, Jacobs, Jaber

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ITEM NO.

CASE

24 DOCKET NO. 991220-TP - Petition by Global NAPS, Inc. for arbitration of interconnection rates, terms and conditions and related relief of proposed agreement with BellSouth Telecommunications, Inc.

Critical Date(s): None

Hearing Date(s): 5/25/00, Talla., Prehrg., JC
6/7/00, Talla., DS JC JB

Commissioners Assigned: DS JC JB
Prehrg Officer JC

Staff: LEG: Caldwell
CMP: Hinton, Dowds, Ollila, Fulwood, King

Issue 1: Should the Commission grant BellSouth Telecommunications, Inc. and Global NAPS, Inc.'s Agreed Motion for Extension of Time to file a signed agreement within 30 days of the issuance of the Final Order on Reconsideration?

Recommendation: Yes. Staff recommends that the Commission grant BellSouth Telecommunications, Inc. and Global NAPS, Inc.'s Agreed Motion for Extension of Time to file a signed agreement within 30 days of the issuance of the Final Order on Reconsideration.

Issue 2: Should this docket be closed?

Recommendation: No. There is a pending Motion for Reconsideration outstanding that needs to be addressed by the Commission; therefore, staff recommends the docket should remain open pending the Commission's consideration of the outstanding motion.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber

ITEM NO.

CASE

25**

DOCKET NO. 991377-TL - Initiation of show cause proceedings against Sprint-Florida, Incorporated for violation of service standards. (Deferred from the 11/7/00 Conference.)

Critical Date(s): 11/13/00 (statutory deadline for rule waiver)

Commissioners Assigned: DS JC BZ
Prehrg Officer DS

Staff: LEG: Christensen
CMP: Howell, Kennedy

Issue 1: Should the Commission accept the Stipulation and Settlement and Petition for Limited Waiver of Rules 25-4.066(2), 25-4.070(3)(a), 25-4.073(1)(c) and (1)(d), and 25-4.110(2), Florida Administrative Code, (Stipulation and Settlement Agreement) offered jointly by Sprint-Florida, Incorporated and the Office of Public Counsel as settlement for the show cause proceedings against Sprint-Florida, Incorporated for its apparent violations of service standards?

Recommendation: No. Staff recommends that the Commission deny the Stipulation and Settlement and Petition for Limited Waiver of Rules 25-4.066(2), 25-4.070(3)(a), 25-4.073(1)(c) and (1)(d), and 25-4.110(2), Florida Administrative Code, offered by Sprint-Florida, Incorporated and the Office of Public Counsel. The Stipulation and Settlement does not offer any monetary penalties for Sprint's past apparent violations of the service standards. Staff believes that the joint Stipulation and Settlement leads to inequities amongst Florida consumers contrary to the purpose of Chapter 364, Florida Statutes, by lowering the service standards to be applied to and among Sprint's customers. Further, the creation of the Community Service Fund for Lifeline education is not related to the harm suffered by customers who are affected by Sprint's failure to meet business and repair answer times. Therefore, Staff further recommends that the show cause proceeding against Sprint-Florida, Incorporated for its apparent violations of the service standards be set for hearing.

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<u>ITEM NO.</u>	<u>CASE</u>
25**	DOCKET NO. 991377-TL - Initiation of show cause proceedings against Sprint-Florida, Incorporated for violation of service standards. (Deferred from the 11/7/00 Conference)

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission accepts staff's recommendation on Issue 1, then this docket should remain open and be scheduled for hearing.

DECISION: The recommendations were denied. The stipulation and settlement dated 7/27/00, as clarified on 8/15/00, and amended on 11/27/00 was approved. The stipulation provides for closing the docket.

Commissioners participating: Deason, Jacobs, Baez

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<u>ITEM NO.</u>	<u>CASE</u>
26**	<p>DOCKET NO. 991437-WU - Application for increase in water rates in Orange County by Wedgefield Utilities, Inc. (Deferred from the 11/7/00 Commission Conference and revised recommendation filed.)</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: DS JB BZ Prehrg Officer JB</p> <p>Staff: LEG: Fudge, Christensen ECR: Kyle, Merchant RGO: Vandiver</p> <p><u>Issue 1</u>: Should Wedgefield's Motion for Summary Final Order be granted? <u>Recommendation</u>: Yes, Wedgefield's Motion for Summary Final Order should be granted.</p> <p><u>DECISION</u>: The recommendation was denied. Wedgefields Motion for Summary Final Order was denied without prejudice.</p> <p><u>Issue 2</u>: Should Wedgefield's Motion to Amend its Motion to Strike and Dismiss be granted? If so, should Wedgefield's Motion to Strike and Dismiss the Office of Public Counsel's Petition Requesting Section 120.57 Hearing and Protest of Proposed Agency Action be granted? <u>Recommendation</u>: If the Commission approves staff's recommendation in Issue 1 above, then no ruling is necessary on the Motion to Amend Wedgefield's Motion to Strike and Dismiss and Wedgefield's Motion to Strike and Dismiss because they are moot. However, if the Commission denies the utility's Motion for Summary Final Order, then Wedgefield's Motion to Amend its Motion to Strike and Dismiss and its Motion to Strike and Dismiss should also be denied.</p> <p><u>DECISION</u>: The recommendation was denied consistent with the vote in Issue 1. Wedgefields Motion to Strike and Dismiss was denied. The Motion to Amend and take official notice of the Wedgefield order was approved.</p>

ITEM NO.

CASE

26**

DOCKET NO. 991437-WU - Application for increase in water rates in Orange County by Wedgefield Utilities, Inc. (Deferred from the 11/7/00 Commission Conference and revised recommendation filed.)

(Continued from previous page)

Issue 3: Should the Commission accept Wedgefield's settlement offer contained in its response to Order No. PSC-00-1528-PAA-WU, which required the utility to show cause as to why it should not be fined \$3,000 for its apparent violation of Rule 25-30.115, Florida Administrative Code, and Order No. PSC-97-0531-FOF-WU?

Recommendation: Yes. The Commission should accept Wedgefield's settlement offer contained in its response to Order No. PSC-00-1528-PAA-WU, which required the utility to show cause as to why it should not be fined \$3,000 for its apparent violation of Rule 25-30.115, Florida Administrative Code, and Order No. PSC-97-0531-FOF-WU. The utility should be ordered to correct any remaining areas of noncompliance with the USOA by January 31, 2001. Therefore, staff also recommends that the \$3,000 fine be permanently suspended. Further, the utility and its parent should be ordered to file, in future proceedings before this Commission, MFRs which begin with utility book balances, and to show all adjustments to book balances after the "per book" column in the MFRs. The utility should also be ordered to file, with its MFRs, a statement which affirms that the MFRs begin with actual book balances.

DECISION: The recommendation was approved.

Issue 4: Should this docket be closed?

Recommendation: No. This docket should remain open pending a hearing and the Commission's final determination of the issues in dispute.

DECISION: The recommendation was approved.

Commissioners participating: Deason, Jaber, Baez

<u>ITEM NO.</u>	<u>CASE</u>
27**	<p>DOCKET NO. 000061-EI - Complaint by Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for violation of Sections 366.03, 366.06(2) and 366.07, F.S., with respect to rates offered under commercial/industrial service rider tariff; petition to examine and inspect confidential information; and request for expedited relief.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: JC JB BZ Prehrg Officer JC</p> <p>Staff: ECR: E. Draper LEG: Stern, Elias</p> <p><u>Issue 1</u>: Should the Commission grant TECO's second Motion for Reconsideration? <u>Recommendation</u>: No. Pursuant to Rule 25-22.0376(1), Florida Administrative Code, "the Commission shall not entertain a motion for reconsideration of an order disposing of a motion for reconsideration."</p> <p><u>Issue 2</u>: Should the motions for reconsideration filed by TECO and Odyssey on July 6 and 7, 2000, respectively, be granted with respect to the issue of Mr. Namoff's ability to review confidential information? <u>Recommendation</u>: No. The motions for reconsideration should be denied with respect to the issue of Mr. Namoff's ability to review confidential information.</p> <p><u>Issue 3</u>: Should Allied's Motion for Authorization be granted with respect to Mr. Namoff's ability to review confidential information? <u>Recommendation</u>: Yes. Allied's Motion for Authorization should be granted with respect to Mr. Namoff's ability to review confidential information.</p> <p><u>Issue 4</u>: Should this docket be closed? <u>Recommendation</u>: No. This docket should not be closed.</p>

DECISION: This item was deferred to the December 5, 2000 Commission Conference.

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ITEM NO.

CASE

28**

DOCKET NO. 990362-TI - Initiation of show cause proceedings against GTE Communications Corporation (n/k/a Verizon Select Services Inc.) for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

Critical Date(s): None

Commissioners Assigned: JB BZ
Prehrg Officer JB

Staff: LEG: Fordham
CMP: Kennedy

Issue 1: Should the Commission grant the Office of Public Counsel's Motion for Reconsideration of Order Establishing Procedure?

Recommendation: No. The Commission should deny the Office of Public Counsel's Motion for Reconsideration of Order Establishing Procedure.

Issue 2: Should this docket be closed?

Recommendation: No. The Docket is presently set for hearing and should remain open pending the outcome of the hearing.

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

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