

MINUTES OF
COMMISSION CONFERENCE, OCTOBER 2, 2001
COMMENCED: 9:45 a.m.
ADJOURNED: 3:10 p.m.

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

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

- 1 Approval of Minutes
August 14, 2001 Regular Commission Conference
August 29, 2001 Special Commission Conference

DECISION: The minutes were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>						
2**	Consent Agenda						
PAA	A) Application for certificate to provide pay telephone service.						
	<table><thead><tr><th><u>DOCKET NO.</u></th><th><u>COMPANY NAME</u></th></tr></thead><tbody><tr><td>011191-TC</td><td>Donald Mark Deaton d/b/a Deaton Communications</td></tr></tbody></table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	011191-TC	Donald Mark Deaton d/b/a Deaton Communications		
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>						
011191-TC	Donald Mark Deaton d/b/a Deaton Communications						
PAA	B) Applications for certificates to provide interexchange telecommunications service.						
	<table><thead><tr><th><u>DOCKET NO.</u></th><th><u>COMPANY NAME</u></th></tr></thead><tbody><tr><td>011080-TI</td><td>Toledo Area Telecommunications Services, Inc. d/b/a Buckeye TeleSystem</td></tr><tr><td>010886-TI</td><td>ITI Inmate Telephone, Inc.</td></tr></tbody></table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	011080-TI	Toledo Area Telecommunications Services, Inc. d/b/a Buckeye TeleSystem	010886-TI	ITI Inmate Telephone, Inc.
<u>DOCKET NO.</u>	<u>COMPANY NAME</u>						
011080-TI	Toledo Area Telecommunications Services, Inc. d/b/a Buckeye TeleSystem						
010886-TI	ITI Inmate Telephone, Inc.						
PAA	C) DOCKET NO. 011170-TI - Application for approval of transfer of control whereby Capsule Communications, Inc. (holder of IXC Certificate No. 2993) will become a wholly owned subsidiary of Covista Communications, Inc.						
PAA	D) DOCKET NO. 011123-TI - Request for approval of indirect transfer of control of Americatel Corporation d/b/a 10 123 Americatel d/b/a 1010 123 Americatel (holder of IXC Certificate No. 5313), whereby Pirelli S.p.A. will acquire through Olimpia S.r.L. an interest in Olivetti S.p.A. and, indirectly, Telecom Italia S.p.A. from Bell S.A.						
PAA	E) DOCKET NO. 011187-TI - Notification of pro forma transfer of control of Comcast Business Communications, Inc. d/b/a Comcast Long Distance (holder of IXC Certificate No. 3545) from Comcast Telephony Communications, Inc. to its affiliate, Comcast Business Communications Holdings, Inc.						

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
011174-TC	BellSouth Public Communications, Inc.	850-784-8055 850-913-8731 850-872-8382 G.P. Mart 2007 E. 11 th Street Panama City
011193-TC	BellSouth Public Communications, Inc.	904-724-5676 904-724-5937 904-721-8620 Gate Petroleum Co. 8070 Atlantic Blvd. Jacksonville

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

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CASE

3**

Docket No. 010982-EU - Proposed Rule 25-6.065, F.A.C.,
Interconnection of Small Photovoltaic Systems. (Deferred
from the September 18, 2001 Commission Conference.)

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: APP: Moore
ECR: Hewitt
LEG: Stern
PAI: Dean
SER: Colson

ISSUE 1: Should the Commission propose Rule 25-6.065,
Florida Administrative Code, Interconnection of Small
Photovoltaic Systems?

RECOMMENDATION: Yes.

ISSUE 2: If no request for hearing or comments are filed,
should the proposed rule be filed for adoption with the
Secretary of State and the docket be closed?

RECOMMENDATION: Yes. The docket should be closed if no
requests for hearing or comments are filed.

DECISION: The recommendations were approved. Staff was directed to
monitor the rule and provide results to the Commission after 18
months.

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

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<u>ITEM NO.</u>	<u>CASE</u>
4**	Docket No. 010975-OT - Proposed amendment to Rule 25-22.104(2), F.A.C., Numbering of Orders. Critical Date(s): None Rule Status: Proposed Commissioners Assigned: Full Commission Prehearing Officer: Palecki Staff: APP: Cibula CCA: Flynn ECR: Hewitt LEG: Espinoza <u>ISSUE 1</u> : Should the Commission propose amendments to Rule 25-22.104, Florida Administrative Code, titled Numbering of Orders, to correct the procedure for the categorization of proposed agency action orders and to add three new order categories and one new docket suffix? <u>RECOMMENDATION</u> : Yes. The Commission should propose amendments to Rule 25-22.104, Florida Administrative Code. <u>ISSUE 2</u> : Should this docket be closed? <u>RECOMMENDATION</u> : Yes. If no comments are filed, the rule amendments as proposed should be filed for adoption with the Secretary of State and the docket should be closed.

DECISION: The recommendations were approved.

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

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5**

Docket No. 010940-TL - Request for permanent waiver of physical collocation requirements in Lake Mary Central Office by BellSouth Telecommunications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Fulwood
LEG: Elliott

ISSUE 1: Should BellSouth's Request for Permanent Waiver of Physical Collocation Requirements in the current Lake Mary central office be granted?

RECOMMENDATION: Yes. BellSouth's request for permanent waiver of physical collocation requirements in the current Lake Mary central office should be granted.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
6**PAA	<p>Docket No. 010970-TP - Bankruptcy cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7344 and Interexchange Telecommunications Certificate No. 7508 issued to BroadBand Office Communications, Inc., effective 5/9/01.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler LEG: Elliott</p> <p><u>ISSUE 1</u>: Should the Commission grant BroadBand Office Communications, Inc.'s request for cancellation of its IXC Certificate No. 7508 and ALEC Certificate No. 7344? <u>RECOMMENDATION</u>: Yes. The Commission should grant the company a bankruptcy cancellation of its IXC Certificate No. 7508 and ALEC Certificate No. 7344 with an effective date of May 9, 2001. In addition, the Division of Administration will be notified that the 2001 RAFs should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write off the uncollectible amount should be requested.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The docket should then be closed.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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CASE

7**PAA

Docket No. 010765-TP - Bankruptcy cancellation by Florida Public Service Commission of IXC Certificate No. 7203 and ALEC Certificate No. 7204 issued to @link Networks, Inc., effective 5/8/01.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
LEG: Elliott

ISSUE 1: Should the Commission grant @link Networks, Inc.'s request for cancellation of its IXC Certificate No. 7203 and ALEC Certificate No. 7204?

RECOMMENDATION: Yes. The Commission should grant the company a bankruptcy cancellation of its IXC Certificate No. 7203 and ALEC Certificate No. 7204 with an effective date of May 8, 2001. In addition, the Division of Administration will be notified that the 2001 RAFs 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

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<u>ITEM NO.</u>	<u>CASE</u>
8**PAA	<p>Docket No. 010912-TI - Bankruptcy cancellation by the Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5208 issued to VoCall Communications Corp., effective 7/23/01.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler LEG: Pena, B. Keating</p> <p><u>ISSUE 1</u>: Should the Commission grant VoCall Communications Corp.'s request for cancellation of its IXC Certificate No. 5208?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should grant the company a bankruptcy cancellation of its IXC Certificate No. 5208 with an effective date of July 23, 2001. In addition, the Division of Administration will be notified that the outstanding RAFs should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write off the uncollectible amount should be requested.</p> <p><u>ISSUE 2</u>: Should this docket 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 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.</p>

DECISION: The recommendations were approved.

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

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9**PAA

Docket No. 010860-TI - Cancellation by Florida Public Service Commission of IXC Certificate No. 2995 issued to Peoples Telephone Company, Inc. d/b/a PTC Services 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 impose a \$1,000 fine or cancel Peoples Telephone Company, Inc. d/b/a PTC Services' 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, the company's Certificate No. 2995 should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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CASE

9**PAA

Docket No. 010860-TI - Cancellation by Florida Public Service Commission of IXC Certificate No. 2995 issued to Peoples Telephone Company, Inc. d/b/a PTC Services for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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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

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CASE

10**PAA

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

Docket No. 010862-TI - Teltrust Communications Services, Inc. d/b/a Teltrust and d/b/a TCS
Docket No. 010865-TI - SUMMIT Teleservices, Inc.
Docket No. 010895-TI - PTT Telekom, Inc.
Docket No. 010915-TI - Progressive Telecommunications Corp.
Docket No. 010916-TI - InterCom Network, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

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

ISSUE 1: Should the Commission impose a \$500 fine or cancel each telecommunications company's respective certificate as listed on Attachment A of staff's September 20, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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

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CASE

10**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)

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 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.

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10**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.

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ISSUE 3: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
11**	<p>Docket No. 010897-TI - Cancellation by Florida Public Service Commission of IXC Certificate No. 4463 issued to North American Communications Control, 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: Pena, B. Keating</p> <p><u>ISSUE 1</u>: Should the Commission accept the settlement offer proposed by North American Communications Control, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?</p> <p><u>RECOMMENDATION</u>: 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. 4463 should be canceled administratively.</p> <p><u>ISSUE 2</u>: Should this docket be closed?</p> <p><u>RECOMMENDATION</u>: 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.</p>

DECISION: The recommendations were approved.

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

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CASE

12**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. 010861-TI - Transworld Network, Corp.

Docket No. 010863-TI - The Furst Group, Inc.

Docket No. 010866-TI - Shared Network Users Group, Inc.

Docket No. 010896-TI - North American Telephone Network, LLC.

Docket No. 010899-TI - Telec, Inc.

Docket No. 010909-TI - SouthNet Telecomm Services, Inc.

Docket No. 010911-TI - Galaxy Long Distance, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Administrative

Staff: CMP: Isler

LEG: Elliott, Pena, B. Keating

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on Attachment A of staff's September 20, 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

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12**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.

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fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

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ITEM NO.

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13**

Docket No. 010898-TI - Cancellation by Florida Public Service Commission of IXC Certificate No. 4749 issued to Norcom, 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: Pena, B. Keating

ISSUE 1: Should the Commission accept the settlement offer proposed by Norcom, 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. 4749 should be canceled administratively.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
14**	<p>Docket No. 010867-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 3971 issued to United Communications Systems, Inc. d/b/a Florida UCS, 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: Pena, B. Keating</p> <p><u>ISSUE 1</u>: Should the Commission accept the settlement offer proposed by United Communications Systems, Inc. d/b/a Florida UCS, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies? <u>RECOMMENDATION</u>: Yes. The Commission should accept the company's settlement proposal. 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. 3971 should be canceled administratively.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: 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.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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<u>ITEM NO.</u>	<u>CASE</u>
15**PAA	<p>Cancellation by Florida Public Service Commission of interexchange telecommunications certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</p> <p>Docket No. 010893-TI - Florida Network, U.S.A., Inc. d/b/a Network USA Docket No. 010900-TI - USA Global Link, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: CMP: Isler LEG: Elliott, Pena, B. Keating</p> <p><u>ISSUE 1</u>: Should the Commission grant the companies listed on Attachment A of staff's September 20, 2001 memorandum a voluntary cancellation of their respective certificates? <u>RECOMMENDATION</u>: No. The Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.</p> <p><u>ISSUE 2</u>: Should these dockets be closed? <u>RECOMMENDATION</u>: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. These dockets should then be closed upon 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.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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16**PAA

Docket No. 010759-TX - Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5165 issued to U.S. Telco, 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 grant U.S. Telco, Inc. a voluntary cancellation of Certificate No. 5165?

RECOMMENDATION: No. The Commission should not grant the company a voluntary cancellation of its certificate. The Commission should cancel the company's Certificate No. 5165 on its own motion, effective April 23, 2001. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

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 receipt of the fees or cancellation of the certificate.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

17**PAA

Docket No. 010894-TI - Cancellation by Florida Public Service Commission of IXC Certificate No. 4044 issued to Telecom Network, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
LEG: Elliott

ISSUE 1: Should the Commission grant Telecom Network, Inc. a voluntary cancellation of its Certificate No. 4044?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its Certificate No. 4044 with an effective date of August 27, 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 the 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

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CASE

18**

Docket No. 011034-WS - Request for approval of a late payment charge by W.P. Utilities, Inc. in Palm Beach County.

Critical Date(s): 10/5/01 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: ECR: Merta, Rendell
LEG: Jaeger

ISSUE 1: Should W.P. Utilities, Inc.'s proposed tariff to implement a \$5 late payment charge be approved?

RECOMMENDATION: Yes. Original Tariff Sheet 19.1 to implement a late payment charge should be approved and should become effective for service rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(2), Florida Administrative Code, provided the customers have received notice.

ISSUE 2: Should the docket be closed?

RECOMMENDATION: If Issue 1 is approved, this tariff should become effective on or after the stamped approval date of the tariff sheets, pursuant to Rule 25-30.475, Florida Administrative Code, provided the customers have received notice. If a protest is filed within 21 days of the issuance of the Order, this tariff should remain in effect with any increase held subject to refund pending resolution of the protest, and the docket should remain open. If no timely protest is filed, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
19**	Docket No. 011122-WS - Tariff filing to establish a late payment charge in Highlands County by Damon Utilities, Inc.

Critical Date(s): 10/15/01 (60-day suspension date)

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: ECR: Moniz, Rendell
LEG: Harris

ISSUE 1: Should Damon Utilities, Inc.'s proposed tariff to implement a \$6 late payment charge be approved?

RECOMMENDATION: Yes. First Revised Tariff Sheet No. 19.5 and First Revised Tariff Sheet No. 21.4 to implement a late payment charge should be approved and should become effective for service rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(2), Florida Administrative Code, provided the customers have received notice.

ISSUE 2: Should the docket be closed?

RECOMMENDATION: If Issue 1 is approved, the tariff should become effective on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, Florida Administrative Code. If a protest is filed within 21 days of the issuance date of the Order, the tariff should remain in effect with all late payment charges held subject to refund pending resolution of the protest, and the docket should remain open. If no timely protest is filed, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved with the modification to Issue 1 that the company is to send all late notices via certified mail. (Commissioner Palecki dissented from the majority vote.)

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

ITEM NO.

CASE

20**

Docket No. 011188-WS - Investigation of possible overearnings by Sanlando Utilities Corporation in Seminole County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: ECR: B. Davis, D. Draper, Merchant
LEG: Brubaker

ISSUE 1: Should the Commission initiate an overearnings investigation of Sanlando Utilities Corporation?

RECOMMENDATION: Yes. The Commission should initiate an investigation of the utility for possible overearnings. The test year for the investigation should be the year ended December 31, 2000. The docket should remain open pending the Commission's completion of the investigation.

ISSUE 2: Should any amount of annual water and wastewater revenue be held subject to refund and, if so, what is the appropriate amount?

RECOMMENDATION: Yes. The utility should hold annual water revenue of \$632,257 and annual wastewater revenue of \$462,360, for a total annual revenue of \$1,094,617, subject to refund. The following amounts are recommended:

	<u>Water</u>	<u>Wastewater</u>
Revenue Requirement	\$1,564,269	\$2,543,091
2000 Test Year Revenue	\$2,196,526	\$3,005,451
Amount Subject to Refund	\$632,257	\$462,360
Percent Subject to Refund	28.78%	15.38%

ISSUE 3: What is the appropriate security to guarantee the amount subject to refund?

RECOMMENDATION: The utility should be required to file a corporate undertaking to guarantee the amount subject to refund within 10 days of the effective date of the order opening this investigation. The corporate undertaking should be in the amount of \$930,000. Pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility should

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CASE

20**

Docket No. 011188-WS - Investigation of possible overearnings by Sanlando Utilities Corporation in Seminole County.

(Continued from previous page)

be required to provide a report by the 20th of each month indicating the monthly and total revenue collected subject to refund. The utility should be put on notice that failure to comply in a timely manner with these requirements on a timely basis will result in the initiation of a show cause proceeding.

DECISION: This item was deferred.

ITEM NO.

CASE

21**

Docket No. 011190-SU - Investigation of possible overearnings by Tierre Verde Utilities, Inc. in Pinellas County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: ECR: Davis, D. Draper, Merchant
LEG: Harris

ISSUE 1: Should the Commission initiate an overearnings investigation of Tierre Verde Utilities, Inc.?

RECOMMENDATION: Yes. The Commission should initiate an investigation of the utility for possible overearnings. The test year for the investigation should be the year ended December 31, 2000. The docket should remain open pending the Commission's completion of the investigation.

ISSUE 2: Should any amount of annual wastewater revenues be held subject to refund, and, if so, what is the appropriate amount?

RECOMMENDATION: Yes. The utility should hold annual wastewater revenues of \$29,488, or 5.93%, subject to refund, based on the following:

Revenue Requirement	\$467,557
2000 Test Year Revenue	\$497,045
Amount Subject to Refund	\$29,488
Percent Subject to Refund	5.93%

ISSUE 3: What is the appropriate security to guarantee the amount subject to refund?

RECOMMENDATION: The utility should be required to file a corporate undertaking to guarantee the amount subject to refund within 10 days of the effective date of the order

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ITEM NO.

CASE

21**

Docket No. 011190-SU - Investigation of possible overearnings by Tierre Verde Utilities, Inc. in Pinellas County.

(Continued from previous page)

opening this investigation. The corporate undertaking should be in the amount of \$25,000. Pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility should be required to provide a report by the 20th of each month indicating the monthly and total revenue collected subject to refund. The utility should be put on notice that failure to comply in a timely manner with these requirements will result in the initiation of a show cause proceeding.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

22 Docket No. 960786A-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

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: LEG: B. Keating, Banks, Helton
 CMP: Logue, Dowds, Fulwood, King, Marsh
 RGO: Harvey, Vinson

ISSUE 1: Should the Joint ALECs' Motion for Reconsideration of Order No. PSC-01-1830-PCO-TL be granted?

RECOMMENDATION: No. The Joint ALECs have not identified a mistake of fact or law in the Prehearing Officer's decision, nor have they identified anything overlooked by the Prehearing Officer in rendering his decision.

ISSUE 2: Should ACCESS's Motion for Reconsideration of Order No. PSC-01-1830-PCO-TL be granted?

RECOMMENDATION: No. ACCESS has not identified a mistake of fact or law in the Prehearing Officer's decision, nor has it identified anything overlooked by the Prehearing Officer in rendering his decision.

ISSUE 3: Should this Docket be closed?

RECOMMENDATION: No. This Docket should remain open pending the outcome of the hearing and the Third-Party OSS Testing currently ongoing in this Docket.

DECISION: The recommendations were approved. (Commissioner Jaber dissented from the majority vote.)

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

ITEM NO.

CASE

23**

Docket No. 010409-TP - Petition by Citizens of State of Florida for investigation of Talk America Inc. and its affiliate, The Other Phone Company, Inc. d/b/a Access One Communications, for willful violation of Rule 25-4.118, F.A.C.

Docket No. 010564-TX - Investigation of possible violation of Commission Rules 25-4.118 and 25-24.110, F.A.C., or Chapter 364, F.S., by The Other Phone Company, Inc. d/b/a Access One Communications, holder of ALEC Certificate No. 4099, and Talk America Inc., holder of ALEC Certificate No. 4692.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Jaber

Staff: LEG: Christensen, Helton
CAF: Durbin
CMP: Buys

ISSUE 1: Should the Commission order Talk America Inc., holder of Certificate Nos. 4099, 4100, 4692, and 2985, to show cause why it should not be fined \$10,000 per apparent violation, for a total of \$5,220,000, for 522 apparent violations of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection?

RECOMMENDATION: Yes. The Commission should order Talk America Inc. to show cause in writing within 21 days of the Commission's order why it should not be fined \$10,000 per apparent violation, totaling \$5,220,000, for 522 apparent violations of Rule 25-4.118, Florida Administrative Code, Toll, Local Toll, or Toll Provider Selection. The company's response should contain specific allegations of fact and law. If Talk America Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing waived, and the fine should be deemed assessed. If Talk America Inc. pays the fine, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. If the

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CASE

23**

Docket No. 010409-TP - Petition by Citizens of State of Florida for investigation of Talk America Inc. and its affiliate, The Other Phone Company, Inc. d/b/a Access One Communications, for willful violation of Rule 25-4.118, F.A.C.
Docket No. 010564-TX - Investigation of possible violation of Commission Rules 25-4.118 and 25-24.110, F.A.C., or Chapter 364, F.S., by The Other Phone Company, Inc. d/b/a Access One Communications, holder of ALEC Certificate No. 4099, and Talk America Inc., holder of ALEC Certificate No. 4692.

(Continued from previous page)

company fails to respond to the Order to Show Cause, and the fine is not paid within ten business days after the expiration of the show cause response period, Certificate Nos. 4099, 4100, 4692, and 2985 should be canceled.

ISSUE 2: Should the Commission order Talk America Inc., holder of Certificate Nos. 4099, 4100, 4692, and 2985, to show cause why it should not be fined \$10,000 per violation, totaling \$1,050,000, for 105 apparent violations of Section 364.604, Florida Statutes, Billing Practices?

RECOMMENDATION: Yes. The Commission should order Talk America Inc. to show cause in writing within 21 days of the Commission's order why it should not be fined \$10,000 per apparent violation, totaling \$1,050,000, for 105 apparent violations of Section 364.604, Florida Statutes, Billing Practices. The company's response should contain specific allegations of fact and law. If Talk America Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing waived, and the fine should be deemed assessed. If Talk America Inc. pays the fine, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. If the company fails to respond to the Order to Show Cause, and the fine is not paid within ten business days after the expiration of the show cause response period, Certificate Nos. 4099, 4100, 4692, and 2985 should be canceled.

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23**

Docket No. 010409-TP - Petition by Citizens of State of Florida for investigation of Talk America Inc. and its affiliate, The Other Phone Company, Inc. d/b/a Access One Communications, for willful violation of Rule 25-4.118, F.A.C.
Docket No. 010564-TX - Investigation of possible violation of Commission Rules 25-4.118 and 25-24.110, F.A.C., or Chapter 364, F.S., by The Other Phone Company, Inc. d/b/a Access One Communications, holder of ALEC Certificate No. 4099, and Talk America Inc., holder of ALEC Certificate No. 4692.

(Continued from previous page)

ISSUE 3: Should the Commission order Talk America Inc., holder of Certificate Nos. 4099, 4100, 4692, and 2985, to show cause why it should not be fined \$10,000 per violation, for a total of \$300,000, for 30 apparent violations of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints?

RECOMMENDATION: Yes. The Commission should order Talk America Inc. to show cause in writing within 21 days of the Commission's order why it should not be fined \$10,000 per apparent violation, totaling \$300,000, for 30 apparent violations of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints. The company's response should contain specific allegations of fact and law. If Talk America Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing waived, and the fine should be deemed assessed. If Talk America Inc. pays the fine, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. If the company fails to respond to the Order to Show Cause, and the fine is not paid within ten business days after the expiration of the show cause response period, Certificate Nos. 4099, 4100, 4692, and 2985 should be canceled.

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23**

Docket No. 010409-TP - Petition by Citizens of State of Florida for investigation of Talk America Inc. and its affiliate, The Other Phone Company, Inc. d/b/a Access One Communications, for willful violation of Rule 25-4.118, F.A.C.
Docket No. 010564-TX - Investigation of possible violation of Commission Rules 25-4.118 and 25-24.110, F.A.C., or Chapter 364, F.S., by The Other Phone Company, Inc. d/b/a Access One Communications, holder of ALEC Certificate No. 4099, and Talk America Inc., holder of ALEC Certificate No. 4692.

(Continued from previous page)

ISSUE 4: Should these dockets be closed?

RECOMMENDATION: No. If staff's recommendation in Issues 1, 2, or 3 are approved, Talk America will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificates canceled. If Talk America timely responds to the show cause order, these dockets should remain open pending resolution of the show cause proceedings. If Talk America fails to respond to the show cause order or pay the proposed fines within ten business days after the expiration of the 21-day response period, Certificate Nos. 4099, 4100, 4692, and 2985 should be canceled and these dockets may be closed administratively.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

24 Docket No. 010089-TP - Complaint of Charlene Hoag against Verizon Florida Inc. and Sprint Communications Company, Limited Partnership d/b/a Sprint for alleged improper billing. (Deferred from the September 18, 2001 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: LEG: Fudge
 CAF: Stokes
 RGO: McCoy

ISSUE 1: Should the request for oral argument by Ms. Charlene Hoag be granted?

RECOMMENDATION: No. Ms. Hoag has not stated why oral argument would aid the Commission in comprehending and evaluating the issue before it.

ISSUE 2: Should the Motion for Reconsideration filed by Ms. Charlene Hoag be granted?

RECOMMENDATION: No. Neither Ms. Hoag's March 12 letter nor the subsequent letters identify any point of fact or law which was overlooked or the Commission failed to consider in rendering its Order.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 2, no further action is required and this docket should be closed.

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
25	<p>Docket No. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Baez</p> <p>Staff: LEG: Elias ECR: Mailhot, Maurey, Revell, Slemkewicz</p> <p><u>ISSUE 1</u>: Should the parties be permitted to address the Commission concerning the Motion for Reconsideration? <u>RECOMMENDATION</u>: No. The parties have extensively and ably argued the Motion for Reconsideration in the pleadings and at Oral Argument. Given the extensive prior argument on this Motion, there is no need for further comment by the parties.</p> <p><u>ISSUE 2</u>: Should Florida Power Corporation's Motion for Reconsideration of the requirement in Order No. PSC-01-1348-PCO-EI directing Florida Power Corporation to hold \$113,894,794 of annual revenue (beginning July 1, 2001) subject to refund, pending final disposition as part of the rate proceeding, be granted? <u>RECOMMENDATION</u>: No. FPC has failed to demonstrate any mistake of fact or law which the Commission overlooked or failed to consider in rendering its Order. Therefore, the motion should be denied.</p> <p><u>ISSUE 3</u>: Should this docket be closed? <u>RECOMMENDATION</u>: No. This docket should not be closed.</p> <p><u>DECISION</u>: This item was deferred.</p>

ITEM NO.

CASE

26 Docket No. 991680-EI - Complaint by The Colony Beach & Tennis Club, Inc. against Florida Power & Light Company regarding rates charged for service between January 1988 and July 1998, and request for refund.

Critical Date(s): None (90-day period for issuance of Order waived by parties)

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: LEG: Elias
 ECR: E. Draper

ISSUE 1: Should Colony Beach's request for Oral Argument be granted?

RECOMMENDATION: No. Colony Beach has failed to state with particularity how oral argument would aid the Commission in comprehending and evaluating the issues before it.

ISSUE 2: Should Colony's exceptions to the Recommended Order be approved?

RECOMMENDATION: No. Colony has failed to demonstrate that the factual findings in the Recommended Order are not based on competent substantial evidence. Colony's exceptions to the Conclusions of Law are predicated on factual findings contrary to those made by the Administrative Law Judge.

ISSUE 3: Should the Commission adopt the Administrative Law Judge's Recommended Order as its Final Order in this case?

RECOMMENDATION: Yes. The Recommended Order contains Findings of Fact that are supported by competent substantial evidence in the record and Conclusions of Law that accurately apply the applicable law to the facts of this case.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: The docket should be closed after the time for filing an appeal has run.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

27**

Docket No. 010821-EQ - Joint petition for approval of third amendment to agreement for purchase of firm capacity and energy between Indiantown Cogeneration, L.P. and Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: LEG: Elias
SER: Haff, Bohrmann

ISSUE 1: Should the Commission clarify Order No. PSC-01-1614-PAA-EQ, to include the language requested by Indiantown Cogeneration, L.P.?

RECOMMENDATION: Yes. The requested change is consistent with the Commission's approval of the Third Amendment to the Power Purchase Agreement and could avoid a potentially incorrect interpretation of the Commission's order. The approval of this request renders ICL's protest moot.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes.

DECISION: The recommendations were approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
28**	<p>Docket No. 010726-WS - Complaint by Bayside Mobile Home Park against Bayside Utility Services, Inc. regarding denial of request for water and wastewater service in Bay County. (Deferred from September 4, 2001 conference; revised recommendation filed.)</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Deason</p> <p>Staff: LEG: Jaeger ECR: Rendell, Walker</p>
PAA	<p><u>ISSUE 1</u>: Should Bayside Utility Services, Inc. be ordered to install wastewater collection lines, manholes and water distribution lines to supply water and wastewater service to the proposed development of Bayside Mobile Home Park?</p> <p><u>RECOMMENDATION</u>: No. Bayside Utility Services, Inc. should not be required to install wastewater collection lines, manholes or water distribution lines throughout the proposed area of development of Bayside Mobile Home Park. It is appropriate for Bayside Mobile Home Park to be responsible for the installation of the wastewater collection lines, manholes, and water distribution lines throughout the proposed development if it wishes to receive water and wastewater service from Bayside Utility Services, Inc.</p>
PAA	<p><u>ISSUE 2</u>: Should Bayside Utility Services, Inc. be ordered to reimburse Bayside Mobile Home Park for its engineering costs incurred to date?</p> <p><u>RECOMMENDATION</u>: No. Bayside Utility Services, Inc. should not be required to repay Bayside Mobile Home Park for engineering costs incurred to date. However, pursuant to Rule 25-30.540, Florida Administrative Code, the engineering plans for the development are subject to the utility's inspection and approval. Staff recommends that the utility be directed to properly review the engineering plans and promptly respond in a timely matter so as not to further delay the development or cause any undue hardship for the developer by delaying approval of submitted plans.</p>

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CASE

28**

Docket No. 010726-WS - Complaint by Bayside Mobile Home Park against Bayside Utility Services, Inc. regarding denial of request for water and wastewater service in Bay County. (Deferred from September 4, 2001 conference; revised recommendation filed.)

(Continued from previous page)

ISSUE 3: Should the Commission initiate an investigation as to whether the portion of Bayside Utility Services, Inc.'s service territory should be deleted so that water and wastewater services may be provided by the City of Panama City Beach?

RECOMMENDATION: No. The Commission should not initiate an investigation as to whether the portion of Bayside Utility Services, Inc.'s service area in question should be deleted.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed upon the issuance of the Consummating Order if no person whose interests are substantially affected by the proposed actions files a protest within the 21-day protest period.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

29**

Docket No. 010753-TP - Request for cancellation of UniversalCom, Inc.'s IXC Certificate No. 3174 and ALEC Certificate No. 4096 by NewSouth Communications Corp., effective 5/8/01.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: RGO: Williams
LEG: Pena, B. Keating

ISSUE 1: Should Order No. PSC-01-1380-FOF-TP, issued June 28, 2001, in Docket No. 010753-TP be vacated?

RECOMMENDATION: Yes. Order No. PSC-01-1380-FOF-TP should be vacated to allow the parties to complete the transaction without interruption of service to present customers.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed upon issuance of the Commission's vacating order.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
30**PAA	Docket No. 010992-EG - Petition by Florida Public Utilities Company for approval of conservation plans.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: SER: Harlow
LEG: Elias

ISSUE 1: Should Florida Public Utilities Company's (FPUC) demand-side management (DSM) plan be approved, including approval for cost recovery?

RECOMMENDATION: Yes. FPUC's DSM Plan should be approved because the Plan: 1) meets the objectives of Rule 25-17.001 and FEECA; 2) contains programs that appear to be cost-effective and directly monitorable; and 3) appears to meet FPUC's numeric conservation goals.

ISSUE 2: Should Florida Public Utilities Company (FPUC) be required to submit detailed program participation standards?

RECOMMENDATION: Yes. FPUC should file detailed program participation standards within 30 days of the issuance of the order. Staff should administratively approve these standards if they conform to the description of the programs contained in FPUC's approved DSM Plan.

ISSUE 3: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
31	<p>Docket No. 990649-TP - Investigation into pricing of unbundled network elements. (Deferred from the September 18, 2001 conference; revised recommendation filed.)</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Jacobs, Deason, Jaber Prehearing Officer: Jacobs</p> <p>Staff: LEG: B. Keating, Knight CMP: Marsh, Dowds, King, Davis ECR: P. Lee PAI: Ollila</p> <p><u>ISSUE 1</u>: Should the Commission grant BellSouth's Motion for Reconsideration? <u>RECOMMENDATION</u>: The Motion for Reconsideration should be granted, in part, and denied, in part, as set forth in the analysis portion of staff's September 20, 2001 memorandum. Furthermore, clarification regarding references to hybrid fiber/copper loops and BellSouth's ability to submit support for costs, if any, associated with tagging xDSL-capable loops should be provided as set forth in the staff analysis.</p> <p><u>ISSUE 2</u>: Should the Commission grant MCI, AT&T, Covad, and Z-Tel's Joint Motion for Reconsideration? <u>RECOMMENDATION</u>: The Motion for Reconsideration should be denied as set forth in the staff analysis.</p> <p><u>ISSUE 3</u>: Should the Commission grant BellSouth's Motion to Conform Staff Analysis and Cost Model Run to Order No. PSC-01-1181-FOF-TP? <u>RECOMMENDATION</u>: No. The Motion is actually an untimely Motion for Reconsideration. However, staff does recommend that the Commission should, on its own motion, conform the cost model runs to its decisions set forth in the Order.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
31	Docket No. 990649-TP - Investigation into pricing of unbundled network elements. (Deferred from the September 18, 2001 conference; revised recommendation filed.) (Continued from previous page) <u>ISSUE 4</u> : Should this Docket be closed? <u>RECOMMENDATION</u> : No. This Docket should remain open to address BellSouth's 120-day filings and Phase III for Verizon and Sprint. <u>DECISION</u> : The recommendations were approved. (Chairman Jacobs dissented on Issue 1.) Commissioners participating: Jacobs, Deason, Jaber

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ITEM NO.

CASE

32**

Docket No. 000690-TP - Complaint by BellSouth Telecommunications, Inc. against Intermedia Communications, Inc., Phone One, Inc., NTC, Inc., and National Telephone of Florida regarding the reporting of percent interstate usage for compensation for jurisdictional access services.

Critical Date(s): None

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

Staff: LEG: Knight
CMP: Simmons
RGO: Vandiver

ISSUE 1: Should the Commission acknowledge BellSouth's voluntary withdrawal, with prejudice, of its Complaint against Intermedia Communications, Inc., Phone One, Inc., NTC, Inc. and National Telephone of Florida?

RECOMMENDATION: Yes. The Commission should acknowledge BellSouth's voluntary withdrawal, with prejudice, of its Complaint against Intermedia Communications, Inc., Phone One, Inc., NTC, Inc. and National Telephone of Florida.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Since there are no further issues requiring action by the Commission, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber, Palecki

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CASE

33 Docket No. 001097-TP - Request for arbitration concerning complaint of BellSouth Telecommunications, Inc. against Supra Telecommunications and Information Systems, Inc. for resolution of billing disputes.

Critical Date(s): None

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

Staff: CMP: Logue
 LEG: Fordham

ISSUE 1: Should the Motion for Reconsideration filed by Supra be granted?

RECOMMENDATION: No. The Motion for Reconsideration filed by Supra should not be granted.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed

DECISION: This item was deferred.

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CASE

34 Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

Critical Date(s): 10/9/01 (60-day suspension date)

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

Staff: ECR: Fletcher, Jones, Merchant
 LEG: Espinosa, Jaeger

ISSUE 1: Should the utility's proposed final rates be suspended?

RECOMMENDATION: Yes. Aloha's proposed final water rates should be suspended. The docket should remain open pending the Commission's final action on the utility's requested rate increase.

DECISION: The recommendation was approved.

Commissioners participating: Jaber, Baez, Palecki

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Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

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