

MINUTES OF OCTOBER 4, 2005

COMMISSION CONFERENCE

COMMENCED: 9:35 a.m.

ADJOURNED: 11:30 a.m.

COMMISSIONERS PARTICIPATING: Chairman Baez
Commissioner Deason
Commissioner Bradley
Commissioner Edgar

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

1Approval of Minutes

August 30, 2005 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

2Consent Agenda**

PAA

A) Request for cancellation of a competitive local exchange telecommunications certificate.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
050534-TX	Atlantic.Net Broadband, Inc. d/b/a Dolfo.Net	8/5/2005
050575-TX	SBA Broadband Services, Inc.	8/15/2005

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

DECISION: The recommendation was approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

3Docket No. 000121A-TP - Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (BELLSOUTH TRACK)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: GCL: Teitzman, Scott
CMP: Harvey, Hallenstein, Kennedy, Simmons

Issue 1: Should the Commission acknowledge Florida Digital Network, Inc. d/b/a FDN Communications' withdrawal of its Petition of Proposed Agency Action (PAA) Order No. PSC-05-0488-PAA-TP and Request for Formal Proceeding (Protest)?

Recommendation: Yes. Staff recommends that the Commission acknowledge FDN's withdrawal. Staff also recommends that PAA Order No. PSC-05-0488-PAA-TP be rendered final and effective as of August 30, 2005, and that implementation of the Stipulated Agreement be October 1, 2005.

Issue 2: Should this Docket be closed?

Recommendation: No. Staff believes that this Docket should remain open to continue annual reviews and the one-time six-month review pursuant to PAA Order No. PSC-05-0488-PAA-TP and as specified in the Stipulated Agreement between the parties.

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

4**PAADocket No. 040789-EI - Complaint of Wood Partners against Florida Power & Light Company concerning contributions-in-aid-of-construction charges for underground distribution facilities.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Bradley

Staff: GCL: C. Keating

ECR: Breman

RCA: Plescow

Issue 1: Did FPL properly charge Wood Partners for underground facilities to serve Alta Pines Apartments?

Recommendation: Yes. FPL properly charged Wood Partners the incremental cost of underground facilities consistent with FPL's approved tariff and the Commission's long-standing policy that the cost causer pays the incremental cost of such facilities.

Issue 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

5**PAA Docket No. 050485-TI - Investigation and determination of appropriate method for refunding unauthorized surcharges by Working Assets Funding Service, Inc. d/b/a Working Assets Long Distance.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Watts
ECR: Lester
GCL: Scott

Issue 1: Should the Commission accept Working Assets Funding Service, Inc. d/b/a Working Assets Long Distance's proposal to issue a refund of \$14,960.88, plus interest of \$1,494.73, for a total of \$16,455.61, to the affected customers within 90 days of the issuance of the Consummating Order for overcharging end-users through imposing unauthorized surcharges from June 6, 1999, through May 19, 2005; require the company to distribute monies that cannot be identified with a specific customer equally to all active customers within 120 days of the issuance of the Consummating Order; and require the company to submit a report within 120 days of the issuance of the Consummating Order to the Commission stating, (1) how much was refunded to its customers, (2) the number of customers, and (3) the amount of money that was distributed equally to all active customers?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will be a proposed agency action. Thus, the Order will become final and effective upon issuance of the Consummating Order if no person whose substantial interests are affected timely files a protest within 21 days of issuance of this Order. The company should submit its final report to the Commission within 120 days of the issuance of the Consummating Order. Upon receipt of the final report, this docket should be closed administratively if no timely protest has been filed.

DECISION: Issue 1 was modified to reflect that monies that cannot be identified with specific customers will be deposited into the General Revenue Fund of the state of Florida. Issue 2 was approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

6**PAA Docket No. 050546-TI - Investigation and determination of appropriate method for refunding overcharges due to call duration errors on long distance calls by Trinsic Communications, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Watts
ECR: Lester
GCL: Susac

Issue 1: Should the Commission accept Trinsic Communications, Inc.'s proposal to issue a refund of \$1,200.00, plus interest of \$61.43, for a total of \$1,261.43, to its customers of record who are not subscribed to an unlimited long distance plan at the time of the refund in its January 2006 billing cycle for overcharging end-users on intrastate calls made using services provided by Trinsic Communications, Inc. from July 2003 through May 2005; and require the company to submit a report within 30 days after the completion of the refund to the Commission stating, (1) how much was refunded to its customers, and (2) the number of customers?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will be a proposed agency action. Thus, the Order will become final and effective upon issuance of the Consummating Order if no person whose substantial interests are affected timely files a protest within 21 days of issuance of this Order. The company should submit its final report to the Commission within 30 days of the completion of the refund. Upon receipt of the final report, this docket should be closed administratively if no timely protest has been filed.

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

7****PAADocket No. 050551-TP** - Joint application for approval of transfer of control of Sprint-Florida, Incorporated, holder of ILEC Certificate No. 22, and Sprint Payphone Services, Inc., holder of PATS Certificate No. 3822, from Sprint Nextel Corporation to LTD Holding Company, and for acknowledgment of transfer of control of Sprint Long Distance, Inc., holder of IXC Registration No. TK001, from Sprint Nextel Corporation to LTD Holding Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: CMP: Curry
GCL: Rojas

Issue 1: Should the Commission approve the joint application for transfer of control of Sprint-Florida, Incorporated, holder of ILEC Certificate No. 22, and Sprint Payphone Services, Inc., holder of PATS Certificate No. 3822, from Sprint Nextel Corporation to LTD Holding Company, and for acknowledgment of transfer of control of Sprint Long Distance, Inc., holder of IXC Registration No. TK001, from Sprint Nextel Corporation to LTD Holding Company?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested this docket should be closed administratively upon issuance of the Consummating Order.

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

8****Docket No. 050003-GU** - Purchased gas adjustment (PGA) true-up.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Bradley

Staff: CMP: Makin, Beard, Bulecza-Banks

GCL: Fleming, Brown

Issue 1: Should the Commission grant the petition of FPUC for an increase in its Purchased Gas Adjustment (PGA) cap from \$0.89181 per therm to \$1.14334 per therm?

Recommendation: Yes. The Commission should approve the Company's proposed PGA cap of \$1.14334 per therm effective for all meter readings taken on or after October 4, 2005, the date of the Commission's vote in this matter. The new cap should remain in effect through December 31, 2005. Staff also recommends that the Company should include a statement on the customers' bills that explains the change in the PGA cap because of increasing natural gas prices resulting from weak natural gas supply production and the effects of Hurricane Katrina.

Issue 2: Should this docket be closed?

Recommendation: No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

9****Docket No. 050003-GU** - Purchased gas adjustment (PGA) true-up.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Bradley

Staff: CMP: Makin, Beard, Bulecza-Banks

GCL: Fleming, Brown

Issue 1: Should the Commission grant the petition of Peoples Gas for an increase in its Purchased Gas Adjustment (PGA) cap from \$0.99037 per therm to \$1.50017 per therm?

Recommendation: Yes. The Commission should approve the Company's proposed PGA cap of \$1.50017 per therm effective for all meter readings taken on or after October 4, 2005, the date of the Commission's vote in this matter. The new cap should remain in effect through December 31, 2005. Staff also recommends that the Company should include a statement on the customers' bills that explains the change in the PGA cap because of increasing natural gas prices resulting from weak natural gas supply production and the effects of Hurricane Katrina.

Issue 2: Should this docket be closed?

Recommendation: No. The Purchased Gas Adjustment True-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

10**PAA Docket No. 041441-GU - Petition for approval of storm cost recovery clause to recover storm damage costs in excess of existing storm damage reserve, by Florida Public Utilities Company. (Deferred from September 20, 2005 conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: ECR: Slemkewicz, Maurey
CMP: Bulecza-Banks, Makin
GCL: Jaeger

Issue 1: What is the appropriate methodology to be used for booking costs to the storm damage reserve in this docket?

Recommendation: The appropriate methodology to be used for booking costs to the storm damage reserve is a direct incremental cost with net book value adjustment approach methodology.

Issue 2: Has FPUC quantified the appropriate amount of managerial and non-managerial employee payroll expense that should be charged to the storm damage reserve? If not, what adjustments should be made?

Recommendation: No. FPUC's managerial and non-managerial employee payroll expense should be reduced by \$11,341 to eliminate certain overtime pay that was incorrectly charged to the storm damage reserve.

Issue 3: Is it appropriate for FPUC to charge the storm damage reserve with the one-time payments awarded to certain managerial employees?

Recommendation: Yes. The \$10,257 in one-time payments awarded to certain managerial employees should be charged to FPUC's storm damage reserve.

Issue 4: Has FPUC properly quantified the costs of company-owned vehicles that should be charged to the storm damage reserve? If not, what adjustments should be made?

Recommendation: No. The costs of company-owned vehicles charged to the storm damage reserve should be reduced by \$2,590 to eliminate depreciation expense and insurance that are recovered in base rates.

Issue 5: Is it appropriate for FPUC to charge its storm damage reserve for estimated post-storm costs for customer notices and advertising, legal fees, travel, administrative fees and miscellaneous?

Recommendation: No. These post-storm costs are not related to actual storm restoration activities and should not be charged to the storm damage reserve. Therefore, the amount charged to the storm damage reserve should be reduced by \$29,500 to remove these costs.

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CASE

10**PAA

Docket No. 041441-GU - Petition for approval of storm cost recovery clause to recover storm damage costs in excess of existing storm damage reserve, by Florida Public Utilities Company. (Deferred from September 20, 2005 conference; revised recommendation filed.)

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Issue 6: Of the costs that FPUC has charged to the storm damage reserve, should any portion be booked as capital costs associated with the replacement and retirement of plant items affected by the 2004 storms?

Recommendation: Yes. FPUC should charge the normal costs of replacements to rate base as plant in service. Therefore, the amount charged to the storm damage reserve should be reduced by \$31,967 to remove the items that should be capitalized as plant in service.

Issue 7: Taking into account any adjustments identified in the preceding issues, what is the appropriate amount of storm restoration costs to be charged against the storm damage reserve?

Recommendation: Based on staff's adjustments recommended in the previous issues, the appropriate amount of storm restoration costs to be charged against the storm damage reserve is \$543,602.

Issue 8: What amount, if any, should FPUC be allowed to include for recovery in this docket for the purposes of building a storm damage reserve balance for future storms?

Recommendation: The Commission should not allow the recovery of any of the requested \$300,000 for the replenishment of the storm damage reserve. Instead, the Commission should order that the remaining \$117,773 of 2002 excess earnings, as determined in Docket No. 050224-GU, be credited to the storm damage reserve (Account 228.1). The \$117,773 should not be netted against the existing storm reserve deficit, but should be used to offset future storm restoration costs.

Issue 9: What is the appropriate amount of storm restoration costs to be recovered from the customers?

Recommendation: The appropriate amount of storm restoration costs to be recovered from the customers is \$484,532, plus any interest as determined in Issue 11.

Issue 10: If recovery is allowed, what is the appropriate account treatment for recording the unamortized balance of the storm restoration costs subject to future recovery?

Recommendation: The appropriate account treatment for the unamortized balance of the storm restoration costs subject to future recovery is to record the costs as a regulatory asset in a subaccount of Account 182.1, Extraordinary Property Losses.

Issue 11: Should FPUC be authorized to accrue and collect interest on the amount of storm restoration costs permitted to be recovered from customers? If so, how should interest be calculated?

Recommendation: Yes. Staff recommends that FPUC be allowed to charge interest at the applicable 30-day commercial paper rate on the net-of-tax unamortized balance of

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10**PAA

Docket No. 041441-GU - Petition for approval of storm cost recovery clause to recover storm damage costs in excess of existing storm damage reserve, by Florida Public Utilities Company. (Deferred from September 20, 2005 conference; revised recommendation filed.)

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storm damage restoration costs permitted to be recovered from customers. The total amount to be recovered with interest and revenue taxes is \$500,187.

Issue 12: What mechanism should be used to collect the amount of the storm-related costs authorized for recovery?

Recommendation: Recovery of storm-related costs should be recovered through a temporary surcharge based on various rate classes and consumption. FPUC should be required to include a statement on the customers' bills that identifies the per therm charge approved by the Commission as a result of its 2004 storm-related costs.

Issue 13: What is the appropriate recovery period?

Recommendation: Based on staff's adjustments in Issue 11, the adjusted storm-related costs of \$500,187 including interest and taxes should be recovered over a two and one-half year period (30 months) in equal amounts of approximately \$200,075 per year. Within 60 days following expiration of the Commission-approved recovery period, FPUC should file with the Commission for approval of the final over-or-under-recovery of the 2004 storm damage costs, along with a proposed method to true up any over-or-under-recovery. However, if FPUC recovers the \$500,187 in costs earlier than two and one-half years, FPUC would notify the Commission that the costs have been recovered and that it would no longer be assessing the surcharge.

Issue 14: If the Commission approves recovery of any storm-related costs, how should they be allocated to the rate classes?

Recommendation: Recovery of storm-related costs should be allocated to the various rate classes in the same way as the allocation of an interim rate increase. This is consistent with past Commission practice in the allocation of surcharges. FPUC should immediately file a revised tariff using staff-recommended allocation factors as shown in Attachment A of staff's September 22, 2005 memorandum.

Issue 15: If the Commission approves a mechanism for the recovery of storm-related costs from the ratepayers, on what date should it become effective?

Recommendation: Recovery of storm-related costs should become effective with all meter readings on and after thirty (30) days from the date of the issuance of the Proposed Agency Action Order in this matter if there is no protest. This will allow FPUC time to provide notice to its customers. If the Proposed Agency Action is protested, FPUC should be allowed to charge the surcharge on an interim basis subject to refund with interest.

Issue 16: Should this docket be closed?

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CASE

10**PAA

Docket No. 041441-GU - Petition for approval of storm cost recovery clause to recover storm damage costs in excess of existing storm damage reserve, by Florida Public Utilities Company. (Deferred from September 20, 2005 conference; revised recommendation filed.)

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Recommendation: No. 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, a Consummating Order should be issued. However, the docket should remain open to address the true-up of the actual storm restoration costs. The docket should be closed administratively once staff has verified that the true-up is complete.

DECISION: Issues 1-7 and 9-16 were approved. Issue 8 was approved with the understanding that the company will conduct an internal review, with possible involvement by staff, to ascertain circumstances surrounding the decision to cease accruals beginning January 2003; there may be a one-time credit to the reserve to compensate for the period of time the accrual ceased, if the accrual ceased inappropriately. Commissioner Deason dissented on Issue 3.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

11**PAADocket No. 050316-EI - Petition for approval of integrated Clean Air Regulatory Compliance Program for cost recovery through Environmental Cost Recovery Clause, by Progress Energy Florida, Inc. (Deferred from September 20, 2005 conference.)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: ECR: Breman, Harlow, Kyle, Wheeler
GCL: Stern

Issue 1: Should the Commission approve PEF's petition for recovery of implementing its Integrated Clean Air Regulatory Compliance Program as a new activity for cost recovery through the Environmental Cost Recovery Clause?

Recommendation: Yes, conditionally. Costs for Phase I Clean Air Interstate Rule (CAIR) and Clean Air Mercury Rule (CAMR) compliance activities are eligible for recovery through the ECRC and any prudently incurred costs are appropriate for recovery through the ECRC. It is premature to address recovery of PEF's costs to comply with Phase II of CAIR and CAMR because PEF has not identified any such costs. If the new EPA rules are stayed, PEF should submit a copy of the stay to the Commission within two weeks of its issuance.

Issue 2: Should this docket be closed?

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

DECISION: The recommendations were approved with the clarifications stated at the conference.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

12**PAADocket No. 050512-EI - Petition for approval of modifications to Demand-Side Management Program: Low Income Weatherization Assistance Program, by Progress Energy Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Sickel, Colson
GCL: Brown

Issue 1: Should the Commission approve Progress Energy Florida's petition for approval of modifications to its Low Income Weatherization Assistance Program (LIWAP)?

Recommendation: Yes. The proposed modifications will increase the energy savings and the cost effectiveness of the LIWAP program.

Issue 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

13****Docket No. 050548-EI** - Petition for approval of revisions to Bright Choices Outdoor Lighting Agreement and associated tariff by Tampa Electric Company.

Critical Date(s): 10/11/05 (60-day suspension date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Draper
GCL: Brown

Issue 1: Should TECO's proposed revisions to its Bright Choices Outdoor Lighting Agreement and associated tariffs be suspended?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: No.

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

14 **Docket No. 050281-WS** - Application for increase in water and wastewater rates in Volusia County by Plantation Bay Utility Company.

Critical Date(s): 10/7/05 (60-day suspension date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Deason

Staff: ECR: Fletcher, Lester, Maurey, Rendell
GCL: Gervasi

Issue 1: Should the utility's proposed final water and wastewater rates be suspended?

Recommendation: Yes. Plantation's proposed final water and wastewater rates should be suspended.

Issue 2: Should an interim revenue increase be approved?

Recommendation: Yes, in part. On an interim basis, Plantation is not entitled to an interim water revenue increase. However, the utility should be authorized to collect annual wastewater revenues as indicated below:

	<u>Adjusted Test Year Revenues</u>	<u>\$ Increase</u>	<u>Revenue Requirement</u>	<u>% Increase</u>
Wastewater	\$224,920	\$214,097	\$439,017	95.19%

Issue 3: What are the appropriate interim wastewater rates?

Recommendation: The wastewater service rates for Plantation in effect as of December 31, 2004, should be increased by 95.19% to generate the recommended revenue increase for the interim period. The approved rates should be effective for service rendered as of the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1)(a), Florida Administrative Code. The rates should not be implemented until staff verifies that the tariff sheets are consistent with the Commission decision, the proposed customer notice is adequate, and the required security has been filed. The utility should provide proof of the date notice was given within 10 days after the date of notice.

Issue 4: What is the appropriate security to guarantee the interim increase?

Recommendation: The utility should be required to open an escrow account, file a surety bond, or obtain a letter of credit to guarantee any potential refund of revenues collected under interim conditions. If the security provided is an escrow account, the utility should deposit \$17,841 into the escrow account each month. Otherwise, the surety bond or letter of credit should be in the amount of \$126,184. Pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility should provide a report by the 20th of each month indicating the monthly and total revenue collected subject to refund.

ITEM NO.

CASE

14

Docket No. 050281-WS - Application for increase in water and wastewater rates in Volusia County by Plantation Bay Utility Company.

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Should a refund be required, the refund should be with interest and undertaken in accordance with Rule 25-30.360, Florida Administrative Code.

Issue 5: Should the docket be closed?

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

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

15****Docket No. 050541-WU** - Application to amend water tariff to include irrigation connection (tap-in) charge by Utilities, Inc. of Pennbrooke in Lake County.

Critical Date(s): 10/7/05 (60-day suspension date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Revell, Rendell

GCL: Brown

Issue 1: Should the utility's request to modify its water tariff be approved?

Recommendation: Yes. The Commission should approve the utility's request to modify its tariff. The utility should file a proposed customer notice consistent with the Commission's decision. The approved revision should be effective for connections made on or after the stamped approval date of the tariff pursuant to Rule 25-30.475(2), Florida Administrative Code, after staff has verified that the proposed customer notice is adequate and this notice has been provided to customers. The utility should provide proof that customers have received notice within 10 days after the date of the notice.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no timely protest is filed, the docket should be closed upon the issuance of a Consummating Order. If a protest is filed within 21 days of the issuance of the Commission's Order, the docket should be held open and the tariff should remain in effect with all charges held subject to refund pending resolution of the protest.

DECISION: The recommendations were approved.

Commissioners participating: Baez, Deason, Bradley, Edgar

ITEM NO.

CASE

16 **Docket No. 030623-EI** - Complaints by Ocean Properties, Ltd., J.C. Penney Corp., Target Stores, Inc., and Dillard's Department Stores, Inc. against Florida Power & Light Company concerning thermal demand meter error.

Critical Date(s): None

Commissioners Assigned: Deason, Bradley

Prehearing Officer: Bradley

Staff: GCL: C. Keating
ECR: Floyd

Issue 1: Should the Commission grant Customers' motion for reconsideration of Order No. PSC-05-0226-FOF-EI?

Recommendation: No. Customers have not demonstrated that the Commission overlooked or failed to consider a material and relevant point of fact or law in rendering its final order. Accordingly, Customers' motion for reconsideration should be denied.

Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed after the time for filing an appeal has run.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Bradley

ITEM NO.

CASE

17****Docket No. 041269-TP** - Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

Critical Date(s): None

Commissioners Assigned: Bradley, Edgar

Prehearing Officer: Edgar

Staff: GCL: Teitzman, Scott

CMP: Barrett

Issue 1: Should BellSouth's Motion for Summary Final Order or, in the alternative, Declaratory Ruling be granted?

Recommendation: No. The Motion for Summary Final Order or, in the alternative, Declaratory Ruling filed by BellSouth should be denied.

Issue 2: Should CompSouth's Cross-Motion for Summary Final Order or, in the alternative, Declaratory Ruling be granted?

Recommendation: No. The Cross-Motion for Summary Final Order filed by CompSouth should be denied. Staff also recommends that Issues 6, 13, and 20 be removed from further consideration in this proceeding as there is no live dispute that requires a resolution on these issues.

Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open for an evidentiary hearing on this matter.

DECISION: The item was deferred.