

MINUTES OF  
COMMISSION CONFERENCE OCTOBER 16, 2001

COMMENCED: 9:30 a.m.

ADJOURNED: 12:15 p.m.

COMMENCED: 3:20 p.m.

ADJOURNED: 5:20 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  
September 4, 2001 Regular Commission Conference  
September 18, 2001 Regular Commission Conference

DECISION: The minutes were approved.

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

Minutes of  
 Commission Conference  
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<u>ITEM NO.</u>	<u>CASE</u>														
2**	Consent Agenda														
PAA	A) Applications for certificates to provide alternative local exchange telecommunications service.														
	<table border="1"> <thead> <tr> <th style="text-align: left;"><u>DOCKET NO.</u></th> <th style="text-align: center;"><u>COMPANY NAME</u></th> </tr> </thead> <tbody> <tr> <td>010826-TX</td> <td>KMC Data LLC</td> </tr> <tr> <td>011074-TX</td> <td>DSL Internet Corporation d/b/a DSLi</td> </tr> </tbody> </table>	<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	010826-TX	KMC Data LLC	011074-TX	DSL Internet Corporation d/b/a DSLi								
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PAA	B) Applications for certificates to provide interexchange telecommunications service.														
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PAA	C) Applications for certificates to provide pay telephone service.														
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011213-TC	Townsite Corporation														
011197-TC	Go Communications, Inc.														
PAA	D) DOCKET NO. 011194-TX - Request for approval of stock purchase agreement whereby 1-800-RECONEX, Inc. (holder of ALEC Certificate No. 4828) will acquire all issued and outstanding common stock of Choctaw Communications, Inc. d/b/a Smoke Signal Communications (holder of ALEC Certificate No. 5625).														

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<u>ITEM NO.</u>	<u>CASE</u>
2**	Consent Agenda  (Continued from previous page)
PAA	E) DOCKET NO. 011239-TX - Application for transfer of ALEC Certificate No. 5265 from Pre-Cell Solutions/Family Phone Service, Inc. to Melbourne Venture Group, LLC d/b/a SwiftTel.
PAA	F) DOCKET NO. 011176-TX - Application for transfer of ALEC Certificate No. 4867 from HTR & L Enterprises, Inc. d/b/a Hart Communications to Tel West Communications, LLC.
PAA	G) DOCKET NO. 011286-TP - Request for approval of consummation of transaction arising out of Chapter 11 status whereby all Florida operations and assets of Teligent Services, Inc., holder of ALEC Certificate No. 4804, IXC Certificate No. 4850, and AAV Certificate No. 4707, will be assigned from Teligent, Inc. to TAC License Corp., a wholly owned subsidiary of Teligent Acquisition Corp.; and request for assignment and name change of ALEC Certificate No. 4804, IXC Certificate No. 4850, and AAV Certificate No. 4707, from Teligent to TAC.
PAA	H) DOCKET NO. 010926-TI - Request For Approval, Via Notification, of in-house corporation restructure whereby Touch America, Inc. (holder of IXC Certificate No. 7694) will become a wholly owned subsidiary of Touch America Holdings Inc.
PAA	I) DOCKET NO. 011171-TI - Request for approval of corporate reorganization whereby Working Assets Funding Service, Inc. d/b/a Working Assets Long Distance (holder of IXC Certificate No. 2971) will merge with Working Assets Merger Sub, a subsidiary of Working Assets, Inc., a newly formed parent corporation.
PAA	J) DOCKET NO. 011173-TX - Request for cancellation of ALEC Certificate No. 7430 by BroadRiver Communication Corporation, effective 9/4/01.

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<u>ITEM NO.</u>	<u>CASE</u>
2**	Consent Agenda  (Continued from previous page)
PAA	K) Request for cancellation of interexchange telecommunications certificate.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
011207-TI	FirstWorld Communications, Inc.	6/11/01

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

DECISION: The recommendations were approved with the modification that 2F was deferred.

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

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<u>ITEM NO.</u>	<u>CASE</u>
3**	Docket No. 001502-WS - Proposed Rule 25-30.0371, F.A.C., Acquisition Adjustment. (Deferred from the September 4, 2001 Commission Conference.)

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

Staff: APP: Moore  
ECR: Willis, Hewitt  
LEG: Brubaker  
PAI: Shafer  
RGO: Daniel

ISSUE 1: Should the Commission propose Rule 25-30.0371, F.A.C., governing acquisition adjustments for water and wastewater utilities?

PRIMARY RECOMMENDATION: Yes. The Commission should propose staff's primary Rule 25-30.0371, F.A.C. which modifies existing Commission policy.

ALTERNATIVE RECOMMENDATION: Yes. The Commission should propose staff's alternative Rule 25-30.0371, F.A.C. which codifies existing Commission policy.

ISSUE 2: Should the rule amendments as proposed by the Commission be filed for adoption with the Secretary of State and the docket be closed?

RECOMMENDATION: Yes.

DECISION: This item was deferred.

<u>ITEM NO.</u>	<u>CASE</u>
4**	<p>Docket No. 010345-TP - Petition by AT&amp;T Communications of the Southern States, Inc., TCG South Florida, and MediaOne Florida Telecommunications, Inc. for structural separation of BellSouth Telecommunications, Inc. into two distinct wholesale and retail corporate subsidiaries.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Palecki</p> <p>Staff: CMP: Logue, Simmons LEG: Fudge</p> <p><u>ISSUE 1</u>: Should BellSouth's Motions to Dismiss, or in the alternative Motions to Strike AT&amp;T's Petition and FCCA's Request be granted? <u>RECOMMENDATION</u>: No. The Motion regarding AT&amp;T's Petition has been rendered moot. Staff's recommendation on BellSouth's Motion regarding FCCA's Request is subsumed in its recommendation in Issue 2 and 4.</p> <p><u>DECISION</u>: The recommendation was approved.</p> <p><u>ISSUE 2</u>: Should BellSouth's Motion to Dismiss, filed August 28, 2001, be granted? <u>RECOMMENDATION</u>: No. The Motion should be denied with the understanding that the Commission's authority to order any relief will be made when the appropriate relief, if any, is determined. This analysis is also applicable to BellSouth's Motion to Dismiss FCCA's Request filed April 17, 2001.</p> <p><u>DECISION</u>: The recommendation was denied. The motion to dismiss was granted and the petitions were dismissed. The parties will be allowed to refile petitions expressing what they want the Commission to accomplish and why, with the understanding that structural separation is not a remedy.</p> <p>Commissioner Palecki dissented.</p>

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4\*\*

Docket No. 010345-TP - Petition by AT&T Communications of the Southern States, Inc., TCG South Florida, and MediaOne Florida Telecommunications, Inc. for structural separation of BellSouth Telecommunications, Inc. into two distinct wholesale and retail corporate subsidiaries.

(Continued from previous page)

ISSUE 3: Should BellSouth's Motion for More Definite Statement and Motion to Strike Clarified and Amended Petition, filed August 28, 2001, be granted?

RECOMMENDATION: No. The Motions should be denied.

DECISION: The recommendation was rendered moot.

ISSUE 4: Should the Commission proceed to hearing on AT&T's Amended Petition to consider structural separation of BellSouth, as well as other remedies?

RECOMMENDATION: Yes. The Commission should set this docket for hearing and continue its investigation of the matters raised in AT&T's Amended Petition and FCCA's Request.

DECISION: The recommendation was rendered moot.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: No. Based on staff's recommendations in Issues 1, 2, 3, and 4, this docket should remain open.

DECISION: The recommendation was denied. The docket will be closed.

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

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<u>ITEM NO.</u>	<u>CASE</u>
5**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. 010720-TI - Hotel Communications, Inc. Docket No. 010723-TI - J D Services, Inc. d/b/a American Freedom Network Docket No. 010730-TI - SBR, Inc. d/b/a Minnesota SBR, Inc. Docket No. 010732-TI - ACS Systems, Inc. Docket No. 010918-TI - Simple Communications Technologies, Inc. Docket No. 011012-TI - AmeriCom Communications, LLC Docket No. 011013-TI - Telecom Resources, Inc. d/b/a TRINetwork, Inc. Docket No. 011015-TI - PNV 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 impose a \$500 fine or cancel each company's respective certificate listed on Attachment A of staff's October 4, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should impose a \$500 fine or cancel each company's 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</p>



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5\*\*PAA

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

(Continued from previous page)

certificate numbers listed on Attachment A should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a 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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<u>ITEM NO.</u>	<u>CASE</u>
6**PAA	<p>Bankruptcy cancellation by Florida Public Service Commission of interexchange telecommunications certificates.</p> <p>Docket No. 010733-TI - American MetroComm Long Distance Corporation Docket No. 010994-TI - RSL COM PrimeCall, Inc. Docket No. 011001-TI - Viatel Services, Inc.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative (010733, 010994) Prehearing Officer: Jaber (011001)</p> <p>Staff: CMP: Isler LEG: Pena, B. Keating, Elliott</p> <p><u>ISSUE 1</u>: Should the Commission grant the companies listed on Attachment A of staff's October 4, 2001 memorandum a cancellation of their respective certificates? <u>RECOMMENDATION</u>: Yes. The Commission should grant each company listed on Attachment A a bankruptcy cancellation of their respective certificates with an effective date as listed on Attachment A. In addition, the Division of the Commission Clerk &amp; Administrative Services 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>

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6\*\*PAA

Bankruptcy cancellation by Florida Public Service Commission of interexchange telecommunications certificates.

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. The Order issued from this recommendation will become final upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. The dockets should then be closed upon cancellation of the certificates. 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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7\*\*PAA

Docket No. 010548-TP - Bankruptcy cancellation by Florida Public Service Commission of IXC Certificate No. 7605 and ALEC Certificate No. 7606 issued to Vitts Networks, Inc., effective 4/13/01.

Docket No. 011002-TP - Bankruptcy cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7426 and Interexchange Telecommunications Certificate No. 7425 issued to OnSite Access Local LLC, effective 7/2/01.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Jaber

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

ISSUE 1: Should the Commission grant the companies listed on Attachment A of staff's October 4, 2001 memorandum a cancellation of their respective certificates?

RECOMMENDATION: Yes. The Commission should grant each company listed on Attachment A a bankruptcy cancellation of their respective certificates with an effective date as listed on Attachment A. In addition, the Division of the Commission Clerk & Administrative Services will be notified that the 2000 and 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 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

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7\*\*PAA

Docket No. 010548-TP - Bankruptcy cancellation by Florida Public Service Commission of IXC Certificate No. 7605 and ALEC Certificate No. 7606 issued to Vitts Networks, Inc., effective 4/13/01.

Docket No. 011002-TP - Bankruptcy cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7426 and Interexchange Telecommunications Certificate No. 7425 issued to OnSite Access Local LLC, effective 7/2/01.

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cancellation of the certificates. 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>
8**	<p>Docket No. 010656-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7504 issued to Business Telecom, Inc. d/b/a BTI 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 Business Telecom, Inc. d/b/a BTI 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 to pay future regulatory assessment fees on a timely basis.</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.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

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9\*\*PAA

Docket No. 011016-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5663 issued to @xess Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

Staff: CMP: Isler  
LEG: Elliott

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

RECOMMENDATION: Yes. The Commission should impose a \$1,000 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, Certificate No. 5663 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

ISSUE 2: Should the Commission impose a \$500 fine or cancel @xess Communications, Inc.'s certificate 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 the company's certificate if the information required by Rule 25-24.480(2)(a) and (b), Florida

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9\*\*PAA

Docket No. 011016-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5663 issued to @xess Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

(Continued from previous page)

Administrative Code, Records & Reports; Rules Incorporated, and fine are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, Certificate No. 5663 should be canceled administratively.

ISSUE 3: Should this docket be closed?

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

DECISION: The recommendations were approved.

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



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10\*\*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. 010728-TI - International Marketing & Advertising, Inc.

Docket No. 010731-TI - Financial Intranet, Inc.

Docket No. 011021-TI - Allied Communications Group, Inc. d/b/a ACG, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

Staff: CMP: Isler

LEG: Pena, B. Keating

ISSUE 1: Should the Commission impose a \$1,000 fine or cancel the certificates issued to the companies listed on Attachment A of staff's October 4, 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 \$1,000 fine or cancel each company's respective certificate as listed on Attachment A if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the certificate numbers listed on Attachment A should be canceled administratively.

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10\*\*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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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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11\*\*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. 010725-TI - FaxNet Corporation

Docket No. 010736-TI - WorldTouch Communications, Inc. d/b/a WorldTouch Telecom, Inc.

Docket No. 011031-TI - Convergence, Inc.

Docket No. 011033-TI - P.V. Tel of Florida, LLC

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 October 4, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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

ITEM NO.

CASE

11\*\*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 2: Should the Commission impose a \$500 fine or cancel each telecommunications company's respective certificate as listed on Attachment A for apparent violation of Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated?

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

ISSUE 3: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

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12\*\*PAA

Docket No. 010486-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5034 issued to Sharon Lorraine 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 impose a \$500 fine or cancel Sharon Lorraine's certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and the regulatory assessment fees, including statutory penalty and interest charges, are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and regulatory assessment fees, including statutory penalty and interest charges, are not received, the company's Certificate No. 5034 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.

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

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12\*\*PAA

Docket No. 010486-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5034 issued to Sharon Lorraine for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees, Telecommunications Companies.

(Continued from previous page)

interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. 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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ITEM NO.

CASE

13\*\*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. 011018-TI - Southern States Telephone, Inc.  
Docket No. 011020-TI - USP Comm., Inc.  
Docket No. 011024-TI - Public Payphone U.S.A., Inc. d/b/a Public Communications Services, Inc.  
Docket No. 011025-TI - Executive Telecard Ltd, Inc. d/b/a eGlobe, Inc.  
Docket No. 011030-TI - FON Digital Network Inc.  
Docket No. 011038-TI - Voice Vision International, Inc.  
Docket No. 011039-TI - TransNet Connect, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

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

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on Attachment A of staff's October 4, 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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13\*\*PAA

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

(Continued from previous page)

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



<u>ITEM NO.</u>	<u>CASE</u>
14**	<p>Docket No. 010557-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6017 issued to Jesus Sole d/b/a Advance Telephone USA Company 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 Jesus Sole d/b/a Advance Telephone USA Company 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. 6017 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 \$100 contribution or cancellation of the certificate.</p>

DECISION: The recommendations were approved.

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

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15\*\*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. 010719-TI - LDC Consultants

Docket No. 011003-TI - Mercury Marketing Company, Ltd.

Docket No. 011007-TI - Utility.com, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Deason (010719)

Prehearing Officer: Jaber (011003, 011007)

Staff: CMP: Isler

LEG: Pena, B. Keating

ISSUE 1: Should the Commission grant the companies listed on Attachment A of staff's October 4, 2001 memorandum a voluntary cancellation of their respective certificates?

RECOMMENDATION: No. The Commission should cancel each company's respective certificate on its own motion with an effective date as listed on Attachment A. The collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

DECISION: The recommendation was approved.

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15\*\*PAA

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

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendation was approved with modification made by staff at the conference.

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

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CASE

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16\*\*PAA

Docket No. 010657-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7562 issued to Jay Lane 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 grant Jay Lane a voluntary cancellation of Pay Telephone Certificate No. 7562?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its certificate with an effective date of July 20, 2001.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation on Issue 1, this docket should be closed upon cancellation of the certificate as no other issues need to be addressed by the Commission.

DECISION: The recommendations were approved.

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

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ITEM NO.

CASE

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17\*\*

Docket No. 011186-GU - Petition for approval of budgeted payment plan (BudgetPay) by Tampa Electric Company d/b/a Peoples Gas System.

Critical Date(s): 11/10/01 (60-day suspension date)

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

Staff: CMP: Makin, Bulecza-Banks  
LEG: Vining

ISSUE 1: Should the Commission grant the petition for approval of a budgeted payment plan (BudgetPay) by Tampa Electric Company d/b/a Peoples Gas System (Peoples Gas or Company)?

RECOMMENDATION: Yes. The Commission should grant Peoples Gas' petition for approval of budgeted payment plan (BudgetPay). The budgeted payment plan should become effective October 16, 2001, the date of the Commission's vote in this matter.

ISSUE 2: Should this docket be closed.

RECOMMENDATION: Yes. If no protest is filed within 21 days of the issuance of the Order by a person whose substantial interests are affected, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved.

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

ITEM NO.

CASE

18\*\*

Docket No. 011188-WS - Investigation of possible overearnings by Sanlando Utilities Corporation in Seminole County. (Deferred from October 2, 2001 conference; revised recommendation filed.)

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.

DECISION: The recommendation was denied. Instead, staff was directed to monitor the company's earnings and be prepared to bring a recommendation to the Commission (including placing money subject to refund) at the time the terms of the stipulation expire. The Commission also moved and approved closing the docket.

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%

<u>ITEM NO.</u>	<u>CASE</u>
18**	Docket No. 011188-WS - Investigation of possible overearnings by Sanlando Utilities Corporation in Seminole County. (Deferred from October 2, 2001 conference; revised recommendation filed.)

(Continued from previous page)

DECISION: The recommendation was denied, pursuant to the decision in Issue 1.

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 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: The recommendation was denied, pursuant to the decision in Issue 1.

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

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19\*\*

Docket No. 011162-EI - Petition for approval of addendum to special contract for City of Oldsmar Premium Lighting Service and Revised Lighting tariff by Tampa Electric Company.

Critical Date(s): 10/27/01 (60-day suspension date)

Commissioners Assigned: Full Commission  
Prehearing Officer: Administrative

Staff: ECR: Hudson  
LEG: Echternacht

ISSUE 1: Should the Commission approve Tampa Electric Company's petition for approval of an Addendum to the Special Premium Outdoor Lighting Agreement with the City of Oldsmar and revised Premium Lighting Tariff?

RECOMMENDATION: Yes. The Commission should approve Tampa Electric Company's petition for an Addendum to the Special Premium Outdoor Lighting Agreement with the City of Oldsmar and the revised Premium Lighting Tariff.

ISSUE 2: What is the appropriate effective date for the revised tariff?

RECOMMENDATION: The appropriate effective date for the revised tariff should be October 16, 2001.

ISSUE 3: Should this docket be closed?

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

DECISION: The recommendations were approved.

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



ITEM NO.

CASE

20\*\*

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

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

Commissioners Assigned: Full Commission  
Prehearing Officer: Palecki

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

ISSUE 1: Should an interim revenue increase be approved?

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

	<u>Revenue Requirement</u>	<u>\$ Increase</u>	<u>% Increase</u>
Water	\$1,989,823	\$252,737	14.55%

ISSUE 2: What are the appropriate interim rates?

RECOMMENDATION: The interim rates should be designed to allow the utility the opportunity to generate annual operating revenues of \$1,989,823, which represents an increase of \$252,737. To generate this revenue increase, the service rates in effect as of June 30, 2001, should be increased by 14.81%. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code, provided the customers have received notice. The rates should not be implemented until the required security has been filed and proper notice has been received by the customers. The utility should provide proof to staff of the date notice was given within 10 days after the date of the notice.

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

RECOMMENDATION: The utility should be required to open an escrow account, or file a security bond or a letter of credit to guarantee any potential refunds of revenues collected under interim conditions. If the utility chooses to open an escrow account, it should deposit 14.81% of interim revenues collected each month. The security bond or

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CASE

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20\*\*

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

(Continued from previous page)

letter of credit should be in the amount of \$192,139. Pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility should provide a report by the 20th of each month indicating the monthly and total revenue collected subject to refund. Should a refund be required, the refund should be with interest and undertaken in accordance with Rule 25-30.360, Florida Administrative Code.

ISSUE 4: Should this docket be closed?

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

DECISION: This item was deferred.

<u>ITEM NO.</u>	<u>CASE</u>
21	<p>Docket No. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power &amp; Light. (Deferred from the October 2, 2001 Commission Conference.)</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>DECISION</u>: The recommendation was denied.</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>DECISION</u>: The recommendation was modified. These items would be placed subject to refund: Tiger Bay Regulatory Asset, one-time amortization of tax flow-through, and merger-related severance benefits. The CR 3 equity adjustment is not subject to refund. Tiger Bay can be adjusted at the Company's discretion on a dollar-for-dollar basis.</p>

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<u>ITEM NO.</u>	<u>CASE</u>
21	Docket No. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light. (Deferred from the October 2, 2001 Commission Conference.)

(Continued from previous page)

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should not be closed.

DECISION: The recommendation was approved.

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

<u>ITEM NO.</u>	<u>CASE</u>
22**	<p>Docket No. 011140-TI - Initiation of show cause proceedings against Orion Telecommunications Corp d/b/a Orion Telecommunications Corp of New York for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Administrative</p> <p>Staff: LEG: Knight CMP: Buys</p> <p><u>ISSUE 1</u>: Should the Commission order Orion Telecommunications Corp d/b/a Orion Telecommunications Corp of New York to show cause why it should not be fined \$25,000 for apparent violation of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?</p> <p><u>RECOMMENDATION</u>: Yes. The Commission should order Orion Telecommunications Corp d/b/a Orion Telecommunications Corp of New York to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$25,000 for apparent violation of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The company's response should contain specific allegations of fact and law. If Orion 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 Orion pays the fine, it should be remitted to the State of Florida General Revenue Fund. 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, it should be forwarded to the Office of the Comptroller for collection.</p>

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22\*\*

Docket No. 011140-TI - Initiation of show cause proceedings against Orion Telecommunications Corp d/b/a Orion Telecommunications Corp of New York for apparent violation of Rule 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required.

(Continued from previous page)

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation in Issue 1 is approved, Orion 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 amounts proposed. If Orion timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceedings. If Orion 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 shall be deemed admitted, the right to a hearing waived, and the fines should be deemed assessed. If the company fails to respond to the Order to Show Cause and the fines are not paid within ten business days after the expiration of the show cause response period, they should be forwarded to the Office of the Comptroller for collection and this docket may be closed administratively.

DECISION: The recommendations were approved.

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

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<u>ITEM NO.</u>	<u>CASE</u>
23**	Docket No. 010001-EI - Fuel and purchased power cost recovery clause and generating performance incentive factor.  Critical Date(s): None  Commissioners Assigned: Full Commission Prehearing Officer: Jaber  Staff: SER: Bohrmann LEG: C. Keating  <u>ISSUE 1</u> : Should the Commission acknowledge Gulf Power Company's projected 2001 under-recovery of fuel and purchased power costs? <u>RECOMMENDATION</u> : Yes. The Commission should consider Gulf Power's projected 2001 under-recovery of fuel and purchased power costs at the November 2001, evidentiary hearing in this docket. <u>ISSUE 2</u> : Should this docket be closed? <u>RECOMMENDATION</u> : No.

DECISION: The recommendations were approved.

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

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24\*\*

Docket No. 991781-EI - Determination of appropriate cost recovery amounts for the purchased power contract between Lake Cogen and Florida Power Corporation.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehearing Officer: Baez

Staff: SER: Futrell  
LEG: Elias

ISSUE 1: Should this docket be closed?

RECOMMENDATION: Yes. The instant docket was opened by order of a three-Commissioner panel in Docket No. 990001-EI, in order for the full Commission to consider the appropriateness of payments made by FPC to Lake. Now that the full Commission will preside over the upcoming fuel hearing in Docket No. 010001-EI, this docket should be closed. The issues which caused the instant docket to be opened, may be considered in Docket No. 010001-EI.

DECISION: The recommendation was approved.

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



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25\*\*

Docket No. 990456-TL - Request for review of proposed numbering plan relief for the 561 area code.

Critical Date(s): None

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

Staff: CMP: Ileri, Casey  
LEG: B. Keating

ISSUE 1: Should the Commission approve the carrier recommended permissive and mandatory dialing dates for the 772 area code?

RECOMMENDATION: Yes. Staff recommends that the Commission approve the carrier recommended permissive date of February 11, 2002, and mandatory dialing date of November 11, 2002, for the 772 area code.

ISSUE 2: Should the Commission adopt the odd-ball code requirements of the 386 area code (Order No. PSC-01-1484-PCO-TL, issued July 16, 2001) in the 561 area code?

RECOMMENDATION: Yes. Staff recommends that the Commission adopt the odd-ball code requirements of the 386 area code (Order No. PSC-01-1484-PCO-TL, issued July 16, 2001) in the 561 area code, and allow the BellSouth company-specific oddball codes to be duplicated until March 31, 2003.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed.

DECISION: The recommendation was approved.

Commissioners participating: Jacobs, Deason, Baez

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26\*\*

Docket No. 970201-WU - Application for transfer of facilities of Lake Region Paradise Island and amendment of Certificate No. 582-W held by Keen Sales, Rentals and Utilities, Inc. in Polk County.

Critical Date(s): None

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

Staff: RGO: Clapp, Redemann  
ECR: Iwenjiora  
LEG: Crosby, Gervasi

ISSUE 1: Should the Clietts, owners of Lake Region Paradise Island from May 14, 1996 to January 9, 1997, be ordered to show cause in writing within 21 days why they should not be fined for failing to file an annual report for 1996 in apparent violation of Rule 25-30.110, Florida Administrative Code?

RECOMMENDATION: No. A show cause proceeding should not be initiated. Further, the penalty set forth in Rule 25-30.110, Florida Administrative Code, should not be assessed. In addition, the Clietts should not be required to file the 1996 Annual Report.

ISSUE 2: Has Keen satisfactorily completed the refunds required by Order No. PSC-01-0424-PAA-WU, issued February 22, 2001, in this docket?

RECOMMENDATION: Yes. Keen has satisfactorily completed the refunds required by Order No. PSC-01-0424-PAA-WU, issued February 22, 2001, in this docket. Order No. PSC-01-0424-PAA-WU should be modified to reflect that the actual amount of the refund is \$7,542.27. Unclaimed refunds of \$526.50 should be treated as cash contributions-in-aid-of-construction (CIAC) pursuant to Rule 25-30.360, Florida Administrative Code.

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26\*\*

Docket No. 970201-WU - Application for transfer of facilities of Lake Region Paradise Island and amendment of Certificate No. 582-W held by Keen Sales, Rentals and Utilities, Inc. in Polk County.

(Continued from previous page)

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. Since no further action is necessary, the docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Palecki

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<u>ITEM NO.</u>	<u>CASE</u>
27	<p>Docket No. 001810-TP - Request for arbitration concerning complaint of TCG South Florida and Teleport Communications Group against BellSouth Telecommunications, Inc. for breach of terms of interconnection agreement.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Deason, Jaber, Baez Prehearing Officer: Jaber</p> <p>Staff: CMP: Logue LEG: Christensen</p> <p><u>ISSUE 1</u>: Should the Commission acknowledge TCG's Notice of Withdrawal of its Complaint against BellSouth? <u>RECOMMENDATION</u>: Yes. The Commission should acknowledge TCG's Notice of Withdrawal of its Complaint against BellSouth.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. This docket should be closed.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Deason, Jaber, Baez</p>

<u>ITEM NO.</u>	<u>CASE</u>
28	Docket No. 010102-TP - Investigation of proposed updates to the Routing Data Base System (RDBS) and Business Rating Input Database System (BRIDS) affecting the Tampa telecommunications carriers.

Critical Date(s): None

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

Staff: LEG: Fordham  
CMP: Ileri

ISSUE 1: Should the Joint Parties' Joint Request for Oral Argument on Joint Motion for Reconsideration of Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements be granted?

RECOMMENDATION: No. The Joint Parties' Joint Request for Oral Argument on Joint Motion for Reconsideration of Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements should not be granted.

ISSUE 2: Should the Joint Parties' Joint Motion for Reconsideration of Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements be granted?

RECOMMENDATION: Yes. The Joint Parties' Joint Motion for Reconsideration of Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements should be granted for the purposes of providing greater detail regarding implementation of the Order in question.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending implementation of the number pooling trial.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Baez, Palecki