

MINUTES OF  
COMMISSION CONFERENCE, TUESDAY, OCTOBER 17, 2000  
COMMENCED: 9:30 a.m.  
ADJOURNED: 4:30 p.m.

COMMISSIONERS PRESENT: Chairman Deason  
Commissioner Jacobs  
Commissioner Jaber  
Commissioner Baez

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

---

1 Approval of Minutes  
August 29, 2000 Regular Commission Conference.

DECISION: The minutes were approved.

Commissioners participating: Deason, Jacobs, Jaber

2\*\* Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001366-TC	Silver Communications, Inc.
001423-TC	Kerstin K Krieger d/b/a All American Warrior Vending
001449-TC	Rahman Food Mart, Inc.

PAA B) Applications for certificates to provide alternative local exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
001204-TX	Worldwide Internet Services, Inc.
001079-TX	Trans National Communications International, Inc.
000952-TX	Global Broadband, Inc.
000804-TX	Cbeyond Communications, LLC

Minutes of  
 Commission Conference  
 October 17, 2000

<u>ITEM NO.</u>	<u>CASE</u>
-----------------	-------------

2**	Consent Agenda
-----	----------------

(Continued from previous page)

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
000819-TX	Mainstream Communications, L.L.C. d/b/a Mainstream New Media
000829-TX	United Communications HUB, Inc.
001035-TX	Budget Comm
001034-TX	ReFlex Communications, Inc.

PAA	C) Applications for certificates to provide interexchange telecommunications service.
-----	---

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
000950-TI	DanCris Telecom, LLC
000951-TI	Global Broadband, Inc.
000803-TI	Cbeyond Communications, LLC
000830-TI	United Communications HUB, Inc.
000831-TI	iCall, Inc.
000869-TI	PatriotCom Inc.
000945-TI	Utility.com, Inc.
001078-TI	Dot Com Phone Cards, LLC
000878-TI	Spectracom, Inc.

PAA	D) DOCKET NO. 000992-TS - Application for certificate to provide shared tenant service by World Trade Center TPA, LTD.
-----	--

PAA	E) DOCKET NO. 001326-TI - Request for cancellation of Interexchange Telecommunications Certificate No. 4701 by Cincinnati Bell Long Distance, Inc., effective 8/31/00.
-----	--

Minutes of  
Commission Conference  
October 17, 2000

<u>ITEM NO.</u>	<u>CASE</u>
2**	Consent Agenda  (Continued from previous page)
PAA	F) Requests for transfer of control of alternative local exchange telecommunications and/or interexchange telecommunications certificates.  DOCKET NO. 001247-TI -Platinum Equity Holdings, LLC (parent corporation) for transfer of control of Operator Service Company (holder of IXC Cert 2981) to BC Holding III Corporation. DOCKET NO. 001250-TX -NorthPoint Communications Group, Inc. (Parent company of NorthPoint Communications, Inc. ("NPC"), holder of ALEC Certificate No. 5641) and Bell Atlantic Corporation d/b/a Verizon Communications ("Verizon") for transfer of control of NPC to Verizon. DOCKET NO. 001288-TP -OnePoint Communications Corporation ("OnePoint") and Bell Atlantic Corporation d/b/a Verizon Communications ("Verizon") for transfer of control of OnePoint Communications-Georgia, LLC d/b/a OnePoint Communications (holder of ALEC Certificate No. 5250 and IXC Certificate No. 5251) from OnePoint to Verizon.  G) Requests for approval of resale agreements.  DOCKET NO. 001096-TP -BellSouth Telecommunications, Inc. with JTC Communications, Inc. (Critical Date: 11/07/00) DOCKET NO. 001160-TP -BellSouth Telecommunications, Inc. with NUI Telecom, Inc. (Critical Date: 11/13/00)

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

2\*\*

Consent Agenda

(Continued from previous page)

DOCKET NO. 001161-TP - BellSouth Telecommunications, Inc.  
with NOW Communications, Inc.  
(Critical Date: 11/13/00)

H) DOCKET NO. 001008-TP - Request for approval of amendment  
to existing resale agreement between BellSouth  
Telecommunications, Inc. and Southern ReConnect, Inc.  
(Critical Date: 10/30/00)

I) DOCKET NO. 001159-TP - Petition by Sprint-Florida,  
Incorporated for approval of interconnection agreement  
with Priority Communications, Inc.  
(Critical Date: 11/13/00)

J) DOCKET NO. 001081-TP - Petition by Verizon Florida Inc.  
(f/k/a GTE Florida Incorporated) for approval of  
amendment to existing interconnection agreement with GTE  
Mobilnet of Tampa Incorporated (n/k/a GTE Wireless of the  
South Incorporated).  
(Critical Date: 11/06/00)

K) DOCKET NO. 000994-TP - Request by BellSouth  
Telecommunications, Inc. for approval of interconnection  
and unbundling agreement with Intermedia Communications,  
Inc.  
(Critical Date: 10/29/00)

L) DOCKET NO. 001162-TP - Request by BellSouth  
Telecommunications, Inc. for approval of interconnection,  
unbundling, and resale agreement with WinStar Wireless,  
Inc.  
(Critical Date: 11/13/00)

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

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

2\*\*

Consent Agenda

(Continued from previous page)

DOCKET NO. 001009-TP -BellSouth Telecommunications, Inc.  
with Comcast Telephony  
Communications of Florida, Inc.  
(Critical Date: 10/30/00)

DOCKET NO. 001010-TP -BellSouth Telecommunications, Inc.  
PaeTec Communications, Inc.  
(Critical Date: 10/30/00)

DOCKET NO. 001011-TP -BellSouth Telecommunications, Inc.  
with CRG International, Inc. d/b/a  
Network One.  
(Critical Date: 10/30/00)

DOCKET NO. 001032-TP -BellSouth Telecommunications, Inc.  
with Daytona Telephone Company.  
(Critical Date: 10/31/00)

DOCKET NO. 001033-TP -BellSouth Telecommunications, Inc.  
with IDS Long Distance, Inc.  
(Critical Date: 10/31/00)

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

DOCKET NO. 001106-TP -BellSouth Telecommunications, Inc.  
with International Web  
Technologies, Inc.  
(Critical Date: 11/09/00)

DOCKET NO. 001107-TP -BellSouth Telecommunications, Inc.  
with DV2, Inc.  
(Critical Date: 11/09/00)

DOCKET NO. 001108-TP -BellSouth Telecommunications, Inc.  
with Actel Integrated  
Communications, Inc.  
(Critical Date: 11/09/00)

DOCKET NO. 001139-TP -BellSouth Telecommunications, Inc.  
with Lightyear Communications,  
Inc.  
(Critical Date: 11/12/00)

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

2\*\*

Consent Agenda

(Continued from previous page)

DOCKET NO. 001174-TP -Verizon Florida Inc. with CPU  
Solutions Holding Corp.  
(Critical Date: 11/14/00)

O) DOCKET NO. 001012-TP - Request by BellSouth  
Telecommunications, Inc. for approval of paging agreement  
with North American Software Associates, LTD.  
(Critical Date: 10/30/00)

P) DOCKET NO. 001013-TP - Request by BellSouth  
Telecommunications, Inc. for approval of interconnection  
agreement with North American Software Associates, LTD.  
(Critical Date: 10/30/00)

PAA Q) DOCKET NO. 000614-TI - Request for approval of assignment  
of existing Interexchange Telecommunications Certificate  
No. 3567 from BN1 Telecommunications, Inc. to First  
Communications, LLC.

PAA R) DOCKET NO. 001409-TS - Request for transfer of and name  
change on STS Certificate No. 3598 from HQ Boca Raton,  
Inc. to Chicago Suites, Inc. d/b/a HQ Global Workplaces;  
and cancellation of HQ Hidden River, Inc., STS  
Certificate No. 3597; Anron, Inc. d/b/a HQ Miami, STS  
Certificate No. 2219; Anron, Inc. d/b/a HQ Orlando, STS  
Certificate No. 2221; Ronette, Inc. d/b/a HQ Sand Lake,  
STS Certificate No. 2998; and HQ Rocky Point, Inc. d/b/a  
HQ Tampa, STS Certificate No. 2682.

PAA S) DOCKET NO. 001084-GU - Application by City Gas Company of  
Florida for authority to issue and sell securities for  
the period beginning October 17, 2000 and ending  
September 30, 2001. The Company seeks approval pursuant  
to Chapter 25-8, Florida Administrative Code, and Section  
366.04, Florida Statutes, for authority to issue and sell  
long-term debt and equity securities, as well as short-  
term debt. The amount of all long-term debt and equity  
securities issued will not exceed \$125 million. The  
Company also proposes to issue short-term debt to be sold

Minutes of  
Commission Conference  
October 17, 2000

<u>ITEM NO.</u>	<u>CASE</u>
2**	Consent Agenda  (Continued from previous page)  in the commercial paper market, the total amount of commercial paper not to exceed \$125 million.
PAA	T) DOCKET NO. 001249-TX - Request by 1-800-RECONEX, Inc. (holder of ALEC Certificate No. 4828) for approval of acquisition of 52% of RECONEX's privately held stock by Nova Communications, L.L.C.  <u>Issue:</u> The Commission should approve the action requested in the dockets referenced above and close these dockets, with the exception of Docket No. 001084-GU, which must remain open for monitoring purposes.

DECISION: The recommendation was approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

<u>ITEM NO.</u>	<u>CASE</u>
3**	DOCKET NO. 001502-WS - Proposed Rule 25-30.371, Acquisition Adjustment.  Critical Date(s): None  Rule Status: Proposed  Commissioners Assigned: Full Commission Prehrg Officer ADM  Staff: APP: Moore ECR: Willis, Hewitt LEG: Brubaker PAI: Mann  <u>Issue 1</u> : Should the Commission propose Rule 25-30.0371, F.A.C., governing acquisition adjustments for water and wastewater utilities? <u>Recommendation</u> : Yes. The Commission should propose Rule 25-30.0371, F.A.C. <u>Issue 2</u> : If no requests for hearing or comments are filed, should the rule as proposed be filed for adoption with the Secretary of State and the docket closed? <u>Recommendation</u> : Yes.

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



Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

4

DOCKET NO. 980643-EI - Proposed amendments to Rules 25-6.135, F.A.C., Annual Reports; 25-6.1351, F.A.C., Cost Allocation and Affiliate Transactions; and 25-6.0436, F.A.C., Depreciation. (Deferred from the 9/5/00 Commission Conference.)

Critical Date(s): None

Rule Status: Adoption

Hearing Date(s): 8/24/99, Talla., Workshop, Helton  
6/22/00, Talla., Rule Hrg., Moore

Commissioners Assigned: Full Commission  
Prehrg Officer JC

Staff: APP: Moore

Issue 1: Should the Commission adopt proposed Rule 25-6.1351, Florida Administrative Code, Cost Allocation and Affiliate Transactions; Rule 25-6.135, Annual Reports; and Rule 25-6.0436, Depreciation?

Recommendation: No. The Commission should adopt changes to Rules 25-6.1351, 25-6.135, and 25-6.0436, Florida Administrative Code, as recommended by the Hearing Officer.

Issue 2: Should the rules be filed for adoption with the Secretary of State and the docket be closed?

Recommendation: Yes. The rules with the changes recommended by the Hearing Officer should be filed for adoption with the Secretary of State and the docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

5 DOCKET NO. 990994-TP - Proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

Critical Date(s): None

Rule Status: Proposed

Hearing Date(s): 8/21/00, Talla., Rule Hearing, DS JC JB

Commissioners Assigned: DS JC JB  
Prehrg Officer DS

Staff: APP: Brown  
CMP: Kennedy  
ECR: Hewitt

Issue 1: Should the Commission adopt the proposed amendments to Rule 25-24.490, Florida Administrative Code, Customer Relations; Rules Incorporated, and Rule 25-24.845, Florida Administrative Code, Customer Relations; Rules Incorporated, whereby the billing requirements of Rule 25-4.110(2), Florida Administrative Code, Customer Billing for Local Exchange Telecommunications Companies, would apply to interexchange telecommunications companies (IXCs) and alternative local exchange companies (ALECs)?

Recommendation: No. Staff recommends that at this time the Commission should not adopt the proposed amendments to Rule 25-24.490, Florida Administrative Code, Customer Relations; Rules Incorporated, and Rule 25-24.845, Florida Administrative Code, Customer Relations; Rules Incorporated, whereby the billing requirements of Rule 25-4.110(2), Florida Administrative Code, Customer Billing for Local Exchange Telecommunications Companies, would apply to IXCs and ALECs.

Issue 2: Should the Commission adopt the proposed amendments to Rule 25-24.490, Florida Administrative Code, Customer Relations; Rules Incorporated, and Rule 25-24.845, Florida Administrative Code, Customer Relations; Rules Incorporated, whereby the billing restriction requirements of Rule 25-

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

5                   DOCKET NO. 990994-TP - Proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

(Continued from previous page)

4.110(19), Florida Administrative Code, Customer Billing for Local Exchange Telecommunications Companies, would apply to IXCs and ALECs?

Recommendation: No. Staff recommends that the Commission should not adopt the proposed amendments to Rule 25-24.490, Florida Administrative Code, Customer Relations; Rules Incorporated, and Rule 25-24.845, Florida Administrative Code, Customer Relations; Rules Incorporated, whereby the billing restriction requirements of Rule 25-4.110(19), Florida Administrative Code, Customer Billing for Local Exchange Telecommunications Companies, would apply to IXCs and ALECs at this time.

Issue 3: Should the rules be filed for adoption and this docket closed?

Recommendation: No. The rules should not be filed for adoption, but this docket may be closed.

DECISION: The recommendations were approved.

Commissioner Jacobs dissented.

Commissioners participating: Deason, Jacobs, Jaber

ITEM NO.

CASE

6\*\*PAA

DOCKET NO. 001411-TI - Investigation and determination of method to credit access flow-through reductions by MCI WorldCom Communications, Inc. and TTI National, Inc., as required by Section 364.163, F.S.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Kennedy, Ollila  
LEG: Vaccaro  
RGO: Vandiver

PAA

Issue 1: Should the Commission accept the Amended Offer of Settlement proposed by the WorldCom Operating Companies, whereby, (1) MCI WORLDCOM Communications, Inc. will reduce prospectively the rates for its WorldOne service by an amount necessary to return to customers the \$741,328 not previously flowed through, plus interest, plus an additional amount necessary to bring the total reduction to \$1,482,656, (2) TTI National, Inc. will issue a one-time refund to the affected customers of \$64,000, plus interest, plus an additional amount necessary to bring the total refund to \$128,000, (3) MCI WORLDCOM Communications, Inc. will issue a one-time refund to former MCI Telecommunication Inc.'s customers using its Vision and Vnet services of \$23,125, plus interest, plus an additional amount necessary to bring the total refund to \$46,250, and (4) MCI WORLDCOM Communications, Inc. will issue a one-time refund to former MCI Telecommunication Inc.'s customers using its 1-800 services of approximately \$150,000 to \$175,000 (with a true-up required), plus interest, plus an additional amount necessary to bring the total refund to approximately \$300,000 to \$350,000?

Recommendation: Yes. Staff recommends that the Commission should accept the Amended Offer of Settlement proposed by the WorldCom Operating Companies, whereby, (1) MCI WORLDCOM Communications, Inc. will reduce prospectively the rates for its WorldOne service by an amount necessary to return to customers the \$741,328 not previously flowed through, plus interest, plus an additional amount necessary to bring the

ITEM NO.

CASE

6\*\*PAA

DOCKET NO. 001411-TI - Investigation and determination of method to credit access flow-through reductions by MCI WorldCom Communications, Inc. and TTI National, Inc., as required by Section 364.163, F.S.

(Continued from previous page)

total reduction to \$1,482,656, (2) TTI National, Inc. will issue a one-time refund to the affected customers of \$64,000, plus interest, plus an additional amount necessary to bring the total refund to \$128,000, (3) MCI WORLDCOM Communications, Inc. will issue a one-time refund to former MCI Telecommunication Inc.'s customers using its Vision and Vnet services of \$23,125, plus interest, plus an additional amount necessary to bring the total refund to \$46,250, and, (4) MCI WORLDCOM Communications, Inc. will issue a one-time refund to former MCI Telecommunication Inc.'s customers using its 1-800 services of approximately \$150,000 to \$175,000 (with a true-up required), plus interest, plus an additional amount necessary to bring the total refund to approximately \$300,000 to \$350,000. The rate reductions of \$1,482,656 proposed by MCI WORLDCOM Communications, Inc. should be completed within 15 months from the date the Commission Order approving the stipulation becomes final. MCI WORLDCOM Communications, Inc. should be required to submit quarterly status reports to the Commission beginning three months from the date the Commission Order approving the stipulation becomes final. The reports should identify the number of customers affected and the total dollars in reductions for the previous three-month period. The reports should be submitted until the proposed rate reduction equaling \$1,482,656 has been achieved. The one-time refunds proposed by TTI National, Inc. and MCI WORLDCOM Communications, Inc., should be made through credits to customers' bills and refund checks mailed to former customers of each of the companies beginning December 1, 2000. Any monies that cannot be refunded should be remitted to the Commission for deposit in the General Revenue Fund in accordance with Section 364.285(1), Florida Statutes.

PAA

Issue 2: Should the Commission authorize staff of the Division of Legal Services and the Division of Competitive Services to approve administratively the "true-up"

ITEM NO.

CASE

6\*\*PAA

DOCKET NO. 001411-TI - Investigation and determination of method to credit access flow-through reductions by MCI WorldCom Communications, Inc. and TTI National, Inc., as required by Section 364.163, F.S.

(Continued from previous page)

adjustments of refund amounts identified in Issue 1, offered by MCI WORLDCOM Communications, Inc. to former MCI Telecommunication Inc.'s 1-800 service customers of approximately \$150,000 to \$175,000, plus interest, plus an additional amount necessary to double the total refund to approximately \$300,000 to \$350,000 to meet the access flow-through rate reductions required by Section 364.163 (6), Florida Statutes?

Recommendation: Yes. However, if the final settlement amount falls outside the MCI WORLDCOM Communications, Inc. projected settlement window, staff will bring this matter back to the Commission for resolution.

Issue 3: Should MCI WORLDCOM Communications, Inc. and TTI National, Inc. be required to show cause why each should not pay a fine for failing to fully implement the flow-through of 1998 switched access reductions by interexchange telecommunications companies pursuant to Section 364.163(6), Florida Statutes?

Recommendation: No.

Issue 4: Should this docket be closed?

Recommendation: No. If no person whose interests are substantially affected by the proposed action files a protest of the Commission's decision on Issues 1 and 2 within the 21-day protest period, the Commission's Order will become final upon issuance of a Consummating Order. This docket should remain open pending the completion of the refunds and scheduled rate reductions, and receipt of the final reports. After completion of the refund, scheduled rate reductions, and receipt of the final reports, this docket may be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

7\*\*PAA

DOCKET NO. 000817-GU - Petition for approval of CTS Gas Transportation Service Agreement with Peace River Citrus Products, Inc., by Florida Division of Chesapeake Utilities Corporation.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer BZ

Staff: CMP: Mckee, Makin, Bulecza-Banks  
LEG: Stern  
SER: Mills

Issue 1: Should the Commission approve the Contract Transportation Service (CTS) Gas Transportation Service Agreement between the Florida Division of Chesapeake Utilities Corporation (Chesapeake) and Peace River Citrus Products, Inc. (Peace River)?

Recommendation: Yes. The Commission should approve the CTS Gas Transportation Service Agreement between Chesapeake and Peace River, effective the date of the Commission vote.

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 order.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

8\*\*

DOCKET NO. 001111-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6038 issued to Payphone Communications, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Banks

Issue 1: Should the Commission grant Payphone Communications, Inc. a voluntary cancellation of its Pay Telephone Certificate No. 6038?

Recommendation: Yes. The Commission should grant the company a voluntary cancellation of its Pay Telephone Certificate No. 6038 with an effective date of March 22, 2000.

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: Deason, Jacobs, Jaber, Baez



<u>ITEM NO.</u>	<u>CASE</u>
9**PAA	<p>DOCKET NO. 001128-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6083 issued to Wayne Wyckoff 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 Prehrg Officer ADM</p> <p>Staff: CMP: Isler LEG: Banks</p> <p><u>Issue 1</u>: Should the Commission grant Wayne Wyckoff a voluntary cancellation of Pay Telephone Certificate No. 6083?</p> <p><u>Recommendation</u>: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 6083 on its own motion, effective on the date of issuance of the Consummating Order.</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 issuance of the proposed agency action order. The docket should then be closed upon receipt of the fees or cancellation of the certificate.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

10\*\*PAA

DOCKET NO. 001131-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7006 issued to Michael Anthony Teese for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Banks

Issue 1: Should the Commission grant Michael Anthony Teese a voluntary cancellation of Pay Telephone Certificate No. 7006?

Recommendation: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 7006 on its own motion, effective on the date of issuance of the Consummating Order.

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: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

11\*\*PAA

DOCKET NO. 001187-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7276 issued to Talon Enterprises, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Dandelake

Issue 1: Should the Commission impose a \$500 fine or cancel Talon Enterprises, Inc.'s pay telephone service 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. 7276 should be canceled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts.

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

11\*\*PAA

DOCKET NO. 001187-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7276 issued to Talon Enterprises, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes. The Order issued from this recommendation will become final upon issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. The docket should then be closed upon receipt of the fine and fees or cancellation of the certificate.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

ITEM NO.

CASE

---

12\*\*

DOCKET NO. 000913-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3251 issued to Hasan Akhtar for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 000938-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3932 issued to Pedro Gonzalez for violation of Rule No. 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Dandelake

Issue 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 of staff's October 5, 2000 memorandum to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept each company's respective settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively.

Issue 2: Should these dockets be closed?

Recommendation: Yes. If the Commission approves staff's recommendation on Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

ITEM NO.

CASE

---

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez  
13\*\* DOCKET NO. 000897-TC - Cancellation by Florida Public  
Service Commission of Pay Telephone Certificate No. 2358  
issued to Telaleasing Enterprises, Inc. for violation of  
Rule 25-4.0161, F.A.C., Regulatory Assessment Fees;  
Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Dandelake

Issue 1: Should the Commission accept the settlement offer  
proposed by Telaleasing Enterprises, 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. 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.

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: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

14\*\*PAA

DOCKET NO. 001129-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6084 issued to BF Goodman for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Dandelake

Issue 1: Should the Commission grant BF Goodman a voluntary cancellation of Pay Telephone Certificate No. 6084?

Recommendation: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 6084 on its own motion, effective on the date of issuance of the Consummating Order.

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: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

15\*\*PAA

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

DOCKET NO. 001094-TC - Double M Mart, Inc.  
DOCKET NO. 001152-TC - Javier Pelletier

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Dandelake

Issue 1: Should the Commission impose a \$500 fine or cancel each company's respective pay telephone certificate as listed on page 4 of staff's October 5, 2000 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 pay telephone certificate as listed on page 4 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 pay telephone certificates listed on page 4 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



Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

15\*\*PAA

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

(Continued from previous page)

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 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: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

<u>ITEM NO.</u>	<u>CASE</u>
16**PAA	<p>DOCKET NO. 001090-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6004 issued to David Stover Jr. 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 Prehrg Officer ADM</p> <p>Staff: CMP: Isler LEG: Dandelake</p> <p><u>Issue 1</u>: Should the Commission grant David Stover Jr. a voluntary cancellation of Pay Telephone Certificate No. 6004?</p> <p><u>Recommendation</u>: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 6004 on its own motion, effective on the date of issuance of the Consummating Order.</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 issuance of the proposed agency action order. The docket should then be closed upon receipt of the fees or cancellation of the certificate.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

17\*\*PAA

DOCKET NO. 001158-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7121 issued to Kosmo K, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunication Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Elliott

Issue 1: Should the Commission grant Kosmo K, Inc. a voluntary cancellation of Pay Telephone Certificate No. 7121?

Recommendation: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 7121 on its own motion, effective on the date of issuance of the Consummating Order.

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: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

18\*\*PAA

DOCKET NO. 001189-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7187 issued to Alex Levy for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Elliott

Issue 1: Should the Commission grant Alex Levy a voluntary cancellation of Pay Telephone Certificate No. 7187?

Recommendation: No. The Commission should not grant the company a voluntary cancellation of its PATS certificate. The Commission should cancel the company's Certificate No. 7187 on its own motion, effective on the date of issuance of the Consummating Order.

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: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

19\*\*PAA

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule Nos. 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

DOCKET NO. 001039-TC - David G. Retherford d/b/a Three Tuitions

DOCKET NO. 001056-TC - Hernando Buenaventura, Jr.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Banks

Issue 1: Should the Commission impose a \$500 fine or cancel each pay telephone company's respective certificate as listed on page 6 of staff's October 5, 2000 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 page 6 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 pay telephone certificates listed on page 6 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 each pay telephone company's respective certificate as

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

19\*\*PAA

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule Nos. 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

(Continued from previous page)

listed on page 6 for apparent violation of Rule 25-24.520, Florida Administrative Code, Reporting Requirements?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 6 if the information required by Rule 25-24.520, F.A.C., Reporting Requirements, 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 pay telephone certificates listed on page 6 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: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

20\*\*PAA

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

DOCKET NO. 001057-TC - Shane Anthony Marshall

DOCKET NO. 001077-TC - George Leyva d/b/a National Payphone of Florida

DOCKET NO. 001092-TC - MGPH Management Group, Inc.

DOCKET NO. 001093-TC - John Paul Cook

DOCKET NO. 001105-TC - ComPlus, L.L.C. of Texas

DOCKET NO. 001190-TC - PhoneNet, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehrg Officer ADM

Staff: CMP: Isler

LEG: Elliott

Issue 1: Should the Commission impose a \$500 fine or cancel each pay telephone company's respective certificate as listed on page 6 of staff's October 5, 2000 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 page 6 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 pay telephone certificates listed on page 6 should be canceled administratively and the collection of

<u>ITEM NO.</u>	<u>CASE</u>
20**PAA	Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

(Continued from previous page)

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 pay telephone company's respective certificate as listed on page 6 for apparent violation of Rule 25-24.520, Florida Administrative Code, Reporting Requirements?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 6 if the information required by Rule 25-24.520, F.A.C., Reporting Requirements, 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 pay telephone certificates listed on page 6 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: Deason, Jacobs, Jaber, Baez



Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

21\*\*PAA

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

DOCKET NO. 001058-TC - Donna Marie Smith d/b/a Next Generation Pay Phone Services

DOCKET NO. 001104-TC - Johanns Torres

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Dandelake

Issue 1: Should the Commission impose a \$500 fine or cancel each pay telephone company's respective certificate as listed on page 6 of staff's October 5, 2000 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 page 6 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 pay telephone certificates listed on page 6 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 each pay telephone company's respective certificate as

ITEM NO.

CASE

---

21\*\*PAA

Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

(Continued from previous page)

listed on page 6 for apparent violation of Rule 25-24.520, Florida Administrative Code, Reporting Requirements?

Recommendation: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 6 if the information required by Rule 25-24.520, F.A.C., Reporting Requirements, 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 pay telephone certificate numbers listed on page 6 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: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

22\*\*PAA

DOCKET NO. 001136-TC - Request for exemption from requirements of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by Goran Dragoslavic d/b/a First American Telecommunications Corporation.

Critical Date(s): 11/13/00 (Statutory Deadline)

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Christensen

Issue 1: Should the Commission grant Goran Dragoslavic d/b/a First American Telecommunications Corporation an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed?

Recommendation: Yes.

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 order.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

23\*\*PAA

Requests for exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls.

DOCKET NO. 000953-TC - Southeast Pay Telephone, Inc.  
DOCKET NO. 001141-TC - BellSouth Public Communications, Inc.

Critical Date(s): 10/24/00 and 11/14/00, respectively  
(Statutory Deadlines)

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Dandelake

Issue 1: Should the Commission grant each of the providers listed on page 5 of staff's October 5, 2000 memorandum an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed?

Recommendation: Yes.

Issue 2: Should these dockets be closed?

Recommendation: Yes. These dockets 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 order. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

24\*\*PAA

DOCKET NO. 001137-TC - Request for exemption from requirements of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by BellSouth Public Communications, Inc.

Critical Date(s): 11/13/00 (Statutory Deadline)

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Isler  
LEG: Vaccaro

Issue 1: Should the Commission grant BellSouth Public Communications, Inc. an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed?

Recommendation: Yes.

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 order.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

<u>ITEM NO.</u>	<u>CASE</u>
25	<p>DOCKET NO. 000768-GU - Request for rate increase by City Gas Company of Florida.</p> <p>Critical Date(s): 10/24/00 (60-day suspension date) 01/25/01 (5-month effective date)</p> <p>Commissioners Assigned: Full Commission Prehrg Officer JC</p> <p>Staff: ECR: Revell, Brinkley, D. Draper, Ging, Iyamu, Kummer, Lester, C. Romig, L. Romig, Stallcup, Swain CMP: Makin LEG: Stern</p> <p><u>Issue 1</u>: Should the request for a permanent increase in rates and charges be suspended for City? <u>Recommendation</u>: Yes. Staff recommends that the requested permanent increase in rates and charges of \$7,181,988 be suspended for City.</p> <p><u>Issue 2</u>: Is City's proposed interim test year rate base of \$94,745,493 appropriate? <u>Recommendation</u>: No. The appropriate interim test year rate base for City is \$94,453,293.</p> <p><u>Issue 3</u>: Is City's proposed interim test year net operating income of \$5,460,721 appropriate? <u>Recommendation</u>: No. The appropriate interim test year net operating income for City is \$5,589,933.</p> <p><u>Issue 4</u>: Are City's proposed interim return on equity of 10.30% and overall rate of return of 6.99% appropriate? <u>Recommendation</u>: Yes. The appropriate interim return on equity is 10.30% and the appropriate overall rate of return is 6.99%.</p> <p><u>Issue 5</u>: Is City's proposed interim revenue expansion factor of 1.6236 appropriate? <u>Recommendation</u>: No. City's proposed interim revenue expansion factor should be 1.6199.</p> <p><u>Issue 6</u>: Should City's requested interim revenue increase of \$1,886,605 be granted? <u>Recommendation</u>: No. After making the above adjustments, the interim revenue increase for City should be \$1,640,777.</p>

ITEM NO. CASE

---

25 DOCKET NO. 000768-GU - Request for rate increase by City Gas Company of Florida.

(Continued from previous page)

Issue 7: How should the interim revenue increase for City be distributed among the rate classes?

Recommendation: Any interim revenue increase authorized should be applied evenly across the board to all rate classes based on their base rate revenues, as required by Rule 25-7.040, Florida Administrative Code, and should be collected on a cents-per-therm basis. The interim rates should be made effective for all meter readings made on or after thirty days from the date of the vote and decision herein.

Issue 8: What is the appropriate security to guarantee the amount subject to refund?

Recommendation: A corporate undertaking in the amount of \$410,194 guaranteed by City is appropriate. Interim rates are subject to refund with interest, pending final order in the permanent rate relief request.

Issue 9: Should this docket be closed?

Recommendation: No. This docket should remain open to process the revenue increase request of the company.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

ITEM NO.

CASE

26\*\*PAA

DOCKET NO. 000090-SU - Application for limited proceeding rate increase in Lee County by Useppa Island Utility, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer - Pending

Staff: ECR: Casey, Rendell, T. Davis, Wetherington  
LEG: Brubaker

**(ALL ISSUES PROPOSED AGENCY ACTION EXCEPT ISSUES NOS. 13 AND 14.)**

Issue 1: Is the quality of service provided by Useppa considered satisfactory?

Recommendation: The quality of service provided by Useppa should be considered satisfactory.

Issue 2: Should the Commission approve a year-end rate base for Useppa for purposes of this investigation?

Recommendation: Yes. The Commission should approve a year-end rate base for Useppa to allow it an opportunity to earn a fair return on the utility investment made during the test year and to insure compensatory rates on a prospective basis.

Issue 3: Should a growth allowance be included in the calculations of used and useful plant?

Recommendation: No. Staff recommends that no growth be considered for the water and wastewater systems.

Issue 4: What portions of water and wastewater systems are used and useful?

Recommendation: The water treatment plant, water distribution system, wastewater treatment plant, and wastewater collection system should all be considered 100% used and useful.

Issue 5: What is the utility's appropriate amount of year-end rate base?

Recommendation: The appropriate amount of year-end test year rate base should be \$113,559 for the water system and \$199,389 for the wastewater system. The utility should be required to provide deeds showing the correct description of land owned and used by the utility within 90 days of the



ITEM NO.

CASE

26\*\*PAA

DOCKET NO. 000090-SU - Application for limited proceeding rate increase in Lee County by Useppa Island Utility, Inc.

(Continued from previous page)

effective date of the Commission order issued in this matter.

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

Recommendation: The appropriate rate of return on equity should be 9.94% with a range of 8.94% to 10.94% and the appropriate overall rate of return should be 9.67% with a range of 9.55% to 9.79%.

Issue 7: What is the appropriate test year revenue for this utility?

Recommendation: The appropriate test year revenue should be \$165,009 for the water system and \$80,917 for the wastewater system.

Issue 8: What is the appropriate amount of operating expenses for rate setting purposes?

Recommendation: The appropriate amount of operating expenses for rate making purposes should be \$133,569 for the water system and \$71,855 for the wastewater system.

Issue 9: What are the appropriate revenue requirements for Useppa?

Recommendation: The appropriate revenue requirements should be \$144,547 for water and \$91,130 for wastewater.

Issue 10: Did Useppa earn in excess of its authorized return on equity on an overall basis for the test year ended December 31, 1999, and if so, how should the overearnings be handled on a prospective basis?

Recommendation: Yes. Useppa's water system had excess earnings of \$20,462 and its wastewater system had \$10,213 in underearnings for the test year ended December 31, 1999. Overall, the utility overearned by \$10,249 in 1999. For purposes of administrative efficiency, the utility should be allowed to defer all overearnings to 2001. Upon issuance of the final order, the utility should defer 6.21% (\$10,249 overearnings/\$165,009 test year water revenue) of monthly water billings and include the deferred revenues as a

ITEM NO.

CASE

26\*\*PAA

DOCKET NO. 000090-SU - Application for limited proceeding rate increase in Lee County by Useppa Island Utility, Inc.

(Continued from previous page)

separate line item in its capital structure with a cost rate equal to the thirty-day commercial paper rate.

Issue 11: Should the utility's request for a limited proceeding for its wastewater system be approved?

Recommendation: Yes. The utility's request for a limited proceeding for its wastewater system should be approved. However, the new wastewater rates should not be effective until the pro forma water plant has been completed and verified by staff.

Issue 12: What are the appropriate wastewater rates for this limited proceeding?

Recommendation: The recommended rates should be as shown in the analysis portion of staff's October 5, 2000 memorandum. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheet. The stamped approval date should be the date the water system pro forma plant has been completed and verified by staff. The rates should not be implemented until notice has been received by the customers. The utility should provide proof of the date notice was given within 10 days after the date of the notice. Staff recommends the utility provide staff with a copy of the new monthly utility bills within 90 days of the effective date of this order to verify the utility is complying with the rule.

Issue 13: Should the utility be required to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for its apparent violation of Rule 25-30.335(1), Florida Administrative Code, for its failure to issue bills showing the beginning and ending meter readings?

Recommendation: No. A show cause proceeding should not be initiated because the utility has corrected the problem and has been in compliance since becoming aware of the violation.

Issue 14: Should Useppa be ordered to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for failure to maintain its accounts and records in conformance with the National Association of

ITEM NO.

CASE

26\*\*PAA

DOCKET NO. 000090-SU - Application for limited proceeding rate increase in Lee County by Useppa Island Utility, Inc.

(Continued from previous page)

Regulatory Utility Commissioners (NARUC) Uniform System of Accounts(USOA), in apparent violation of Rule 25-30.115(1), Florida Administrative Code?

Recommendation: No. A show cause proceeding should not be initiated. However, the utility should be ordered to maintain its accounts and records in conformance with the 1996 NARUC USOA, and submit a statement from its accountant with its 2000 annual report, stating that its books are in conformance with the NARUC USOA and have been reconciled with the Commission Order.

Issue 15: Should this docket be closed?

Recommendation: No. If no timely protest is received upon expiration of the protest period, the PAA Order will become final upon the issuance of the Consummating Order. However, this docket should remain open for an additional 18 months from the effective date of the Order to verify the utility has submitted deeds showing the correct description of land owned and used by the utility within 90 days of the effective date of the Order; to verify the utility has submitted its new monthly bills within 90 days of the effective date of the Order and is in compliance with Rule 25-30.335, Florida Administrative Code; to verify that the utility submitted a statement from its accountant with its 2000 annual report stating that its books are in conformance with the NARUC USOA and have been reconciled with the Commission Order; to allow staff to verify pro forma water plant has been completed within 18 months of the effective date of the Order; and to establish an effective date for wastewater rates based on completion of the pro forma water plant.

DECISION: The recommendations were approved as corrected by staff at the Conference.

Commissioners participating: Deason, Jacobs, Jaber, Baez

ITEM NO.

CASE

---

27\*\*

DOCKET NO. 001292-WS - Request for change in billing period from monthly to quarterly in Manatee County by Floridana Homeowners, Inc.

Critical Date(s): 10/30/00 (60-day suspension date)

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: ECR: Fitch  
LEG: Brubaker

Issue 1: Should Floridana's proposed tariff to change billing periods from a monthly billing period to a quarterly billing period be approved?

Recommendation: Yes. The proposed tariff to change billing periods from a monthly billing period to a quarterly billing period should be approved. The tariff should become 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.

Issue 2: Should Floridana Homeowners, Inc., be ordered to show cause, in writing within 21 days, why it should not be fined for violation of Rule 25-30.335(1), Florida Administrative Code?

Recommendation: No. A show cause proceeding should not be initiated. However, the utility should be placed on notice that it is expected to know and comply with this Commission's rules and regulations.

Issue 3: Should the docket be closed?

Recommendation: If Issue 1 is approved, the tariffs should become effective on or after the stamped approval date of the tariff sheets, pursuant to Rule 25-30.475, Florida Administrative Code. If a protest is filed, Floridana should continue billing in accordance with its existing tariffs 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.

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

27\*\*

DOCKET NO. 001292-WS - Request for change in billing period  
from monthly to quarterly in Manatee County by Floridana  
Homeowners, Inc.

(Continued from previous page)

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

28\*\*

DOCKET NO. 001217-EI - Petition for authority to modify Commercial/Industrial Service Rider Pilot Study by Gulf Power Company.

Critical Date(s): 10/20/00 (60-day suspension date)

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: ECR: E. Draper  
LEG: Walker

Issue 1: Should the Commission suspend Gulf Power Company's (Gulf) proposed revisions to its Commercial/Industrial Service Rider tariff?

Recommendation: Yes. The Commission should suspend Gulf's proposed revisions to its Commercial/Industrial Service Rider tariff.

Issue 2: Should this docket be closed?

Recommendation: No. The docket should remain open pending a final decision on the tariff.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

29\*\*

DOCKET NO. 000610-WS - Application for uniform service availability charges in Duval, Nassau, and St. Johns Counties by United Water Florida Inc.

Critical Date(s): 10/30/00 (60-day suspension date)

Commissioners Assigned: Full Commission  
Prehrg Officer JC

Staff: ECR: Kyle, Merchant  
LEG: Fudge

Issue 1: Should UWF's proposed tariffs reflecting implementation of the proposed service availability charges and policies be suspended?

Recommendation: Yes. UWF's proposed tariffs should be suspended pending further investigation by staff. This docket should remain open pending final action on the application.

DECISION: The recommendation was approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

ITEM NO.

CASE

30\*\*

DOCKET NO. 000399-TI - Initiation of show cause proceedings against AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save and d/b/a Lucky Dog Phone Co. and d/b/a ACC Business for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: LEG: Caldwell  
CAF: DeMello, Lowery  
CMP: Buys

Issue 1: Should the Commission accept the settlement offer proposed by AT&T to resolve the show cause proceedings for apparent violations of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should accept AT&T's settlement offer, including a contribution of \$246,000 to the State General Revenue Fund, to resolve apparent violations of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The contribution should be received by the Commission within ten business days from the issuance 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.

Issue 2: Should this docket be closed?

Recommendation: No. If staff's recommendation in Issue 1 is approved, this docket should remain open pending receipt of the \$246,000 contribution and staff's verification of the resolution of all outstanding complaints. After remittance of the contribution and resolution of all outstanding complaints, this docket may be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez



Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

31\*\*

DOCKET NO. 000036-TI - Initiation of show cause proceedings against USLD Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: LEG: B. Keating, Vaccaro  
CMP: Buys  
ECR: D. Draper

PAA

Issue 1: Should the Commission accept USLD Communications, Inc.'s offer of refund and refund calculation of \$33,718.50, adding interest of \$3,094.87, for a total of \$36,813.37, as required by Rule 25-4.114, Florida Administrative Code, Refunds, for overcharges to end users on intrastate 0+ calls placed from pay telephones and made in a call aggregator context from February 1, 1999, through March 31, 2000?

Recommendation: Yes. The Commission should accept USLD Communications, Inc.'s offer of refund and refund calculation of \$33,718.50, adding interest of \$3,094.87, for a total of \$36,817.37, as required by Rule 25-4.114, Florida Administrative Code, Refunds, for overcharging end users on intrastate 0+ calls placed from pay telephones and made in a call aggregator context from February 1, 1999, through March 31, 2000. Refunds should be credited to the affected end users' local exchange telephone bill by January 31, 2001. Any money not refunded, including interest, should be remitted to the Commission by July 31, 2001, and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. USLD should be required to submit a preliminary report to the Commission by April 30, 2001, and a final report by July 31, 2001.

Issue 2: Should USLD Communications, Inc. be required to show cause why it should not pay a fine for over billing of calls in excess of the rate cap established in Rule 25-

ITEM NO.

CASE

31\*\*

DOCKET NO. 000036-TI - Initiation of show cause proceedings against USLD Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context.

(Continued from previous page)

24.630, Florida Administrative Code, Rate and Billing Requirements?

Recommendation: No.

Issue 3: Should the Commission accept the \$5,000 settlement offer proposed by USLD Communications, Inc. to resolve the apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

Recommendation: Yes. The Commission should accept the company's \$5,000 settlement proposal to resolve the apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. Any contribution should be received by the Commission within ten business days from the issuance 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 USLD fails to pay in accordance with the terms of the settlement offer, the company's certificate should be canceled, and this docket should be closed. The settlement proposal is contingent upon the Commission's approval of staff's recommendation in Issue 1; therefore, if the Commission rejects Issue 1, Issue 2 is rendered moot.

Issue 4: Should this docket be closed?

Recommendation: No. If no person whose interests are substantially affected by the proposed agency action files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's Order will become final upon issuance of a consummating order. This docket should, however, remain open pending the completion of the

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

31\*\*

DOCKET NO. 000036-TI - Initiation of show cause proceedings against USLD Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context.

(Continued from previous page)

refund, receipt of the final report on the refund, and remittance of the \$5,000 voluntary contribution. After completion of the refund, receipt of the final refund report, and remittance of the \$5,000 voluntary contribution, this docket may be closed administratively. If the company fails to complete the refund or to pay the settlement contribution, this docket may be closed upon cancellation of USLD Communications, Inc.'s certificate.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

<u>ITEM NO.</u>	<u>CASE</u>
32**	<p>DOCKET NO. 000482-TC - Initiation of show cause proceedings against Maria E. Delgado d/b/a Global Communication for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: LEG: Knight CMP: M. Watts</p> <p><u>Issue 1</u>: Should the Commission accept the settlement offer proposed by Maria E. Delgado d/b/a Global Communication to resolve the apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries? <u>Recommendation</u>: No. The Commission should not accept the company's settlement proposal. Records indicate that the company did not respond to the Commission for nearly three months, instead of within 15 days as required by Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, and staff believes that the company's proposal of \$100 is insufficient.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: No. If staff's recommendation in Issue 1 is approved, this docket should remain open pending the resolution of the show cause proceeding. Global must respond to the original show cause order (PSC-00-1180-SC-TC, dated June 30, 2000) within 21 days of the issuance of this Order denying the settlement. If Global fails to respond to the Order to Show Cause and the fine is not received within ten business days after the expiration of the show cause response period, then Certificate No. 3874 should be canceled and this docket should be closed administratively.</p> <p><u>DECISION</u>: This item was deferred to a later Commission Conference.</p>

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

33\*\*

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. (Deferred from the 9/26/00 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: LEG: Vaccaro, Dandelake  
CMP: Audu  
RGO: Vandiver

Issue 1: Should the Commission grant Intermedia's Motion to Dismiss or, in the Alternative, to Stay?

Recommendation: No. The Commission should deny Intermedia's Motion to Dismiss or, in the Alternative, to Stay.

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 2, this docket should remain open pending resolution of BellSouth's complaint.

DECISION: The recommendations were approved with direction to staff to conduct an audit.

Commissioners participating: Deason, Jacobs, Jaber, Baez

ITEM NO.

CASE

34\*\*

DOCKET NO. 990731-WU - Application for transfer of water facilities from Sunrise Water Company, Inc., holder of Certificate No. 584-W, to Keen Sales, Rentals and Utilities, Inc., holder of Certificate No. 582-W, in Polk County, for cancellation of Certificate No. 584-W, and for amendment of Certificate No. 582-W to include additional territory.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer BZ

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

Issue 1: Should the protest period set forth in Order No. PSC-00-1388-PAA-WU be reopened to allow Keen an opportunity to respond to the findings of the Commission with regard to the establishment of rate base for purposes of the transfer?  
Recommendation: No. The protest period should not be reopened. Rate base was set by Order No. PSC-00-1388-PAA-WU for purposes of the transfer only. The calculation did not include the normal ratemaking adjustments of working capital and used and useful adjustments. Because Keen currently has a staff-assisted rate case pending (Docket No. 001118-WU), staff recommends that Keen's concerns about rate base be addressed in that docket.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission determines that Keen's request can be addressed in Docket No. 001118-WU, no further action is necessary and the docket should be closed. However, if the Commission denies staff's recommendation in Issue 1, the docket should remain open to allow Keen 21 days to respond to the findings in Order No. PSC-00-1388-PAA-WU, with regard to the establishment of rate base.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

35\*\*PAA

DOCKET NO. 000713-TI - Petition by Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance d/b/a Nevada Bell Long Distance d/b/a Pacific Bell Long Distance d/b/a SBC Long Distance for waiver of Rule 25-24.490(2), F.A.C., which requires an interexchange company to file a bond covering its current deposits and advance payments for more than one month's service.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer - Pending

Staff: RGO: Hawkins  
ECR: D. Draper  
LEG: Dandelake, Caldwell

Issue 1: Should Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance d/b/a Nevada Bell Long Distance d/b/a Pacific Bell Long Distance d/b/a SBC Long Distance be granted a waiver of Rule 25-24.490(2), Florida Administrative Code?

Recommendation: Yes. Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance d/b/a Nevada Bell Long Distance d/b/a Pacific Bell Long Distance d/b/a SBC Long Distance should be granted a waiver of Rule 25-24.490(2), Florida Administrative Code.

Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the Commission's Proposed Agency Action files a protest within 21 days of the issuance date of the order, this docket should be closed.

DECISION: This item was deferred to the November 7, 2000 Commission Conference.

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

36\*\*PAA

DOCKET NO. 000789-TI - Application for certificate to provide interexchange telecommunications service by Verizon Advanced Data Inc., and request for waiver of bond requirement in Rule 25-24.490(2), F.A.C.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: RGO: Pruitt  
ECR: D. Draper  
LEG: Banks

Issue 1: Should the Commission grant authority to provide interexchange telecommunications service in Florida to Verizon Advanced Data Inc.(Verizon)?

Recommendation: Yes. Verizon should be granted Florida Public Service Commission Certificate No. 7589 to operate as an interexchange telecommunications service provider in Florida.

Issue 2: Should Verizon be relieved of the bond requirement of Rule 25-24.490(2), Florida Administrative Code, as provided for in the rule?

Recommendation: Yes.

Issue 3: 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: Deason, Jacobs, Jaber, Baez



Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

37\*\*

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

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: RGO: T. Williams  
LEG: Banks

Issue 1: Should Order No. PSC-00-1246-PAA-TP, issued July 10, 2000, and consummated by Order No. PSC-00-1428-CO-TP, issued August 3, 2000, be vacated?

Recommendation: Yes.

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: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

38\*\*

DOCKET NO. 000328-TP - Request for approval of transfer of ultimate control of Concert Communications Sales LLC ("CCS") (holder of ALEC Certificate No. 7253 and pending IXC Certificate No. 7372) from British Telecommunications plc ("BT") to a global joint venture called "Concert" in which BT and AT&T Corp. each maintain a 50% controlling interest; and for approval of forthcoming corporate reorganization whereby authority currently held by CCS will be transferred to Concert USA, an affiliate of CCS, and CCS will be merged into Concert USA.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer DS

Staff: RGO: T. Williams  
LEG: K. Peña, Keating

Issue 1: Should Order No. PSC-00-1028-PAA-TP, issued May 24, 2000, and consummated by Order No. PSC-00-1113-CO-TP, issued June 16, 2000, be vacated?

Recommendation: Yes.

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: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

<u>ITEM NO.</u>	<u>CASE</u>
39**	<p>DOCKET NO. 000081-TI - Request by International Exchange Communications, Inc. d/b/a IE COM (holder of IXC Certificate No. 5798) and NOSVA Limited Partnership (holder of IXC Certificate No. 3560) for approval of an asset purchase agreement whereby IE COM will purchase and NOSVA will sell the international operating division of NOSVA, including all customers thereof.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehrg Officer ADM</p> <p>Staff: RGO: T. Williams LEG: Elliott</p> <p><u>Issue 1</u>: Should Order No. PSC-00-0437-PAA-TP, issued March 2, 2000, and consummated by Order No. PSC-00-0599-CO-TP, issued March 28, 2000, be vacated? <u>Recommendation</u>: Yes.</p> <p><u>Issue 2</u>: Should this docket be closed? <u>Recommendation</u>: Yes. This docket should be closed upon issuance of the Commission's vacating order.</p>

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

40\*\*

DOCKET NO. 000758-EQ - Petition for approval of a pilot program for small photovoltaic systems by Tampa Electric Company.

Critical Date(s): 2/22/01 (8-month effective date)

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: SER: Haff, Colson  
ECR: Springer  
LEG: Stern

Issue 1: Should the Commission approve Tampa Electric Company's (TECO) amended petition to approve a pilot program to interconnect small photovoltaic systems?

Recommendation: Yes. TECO's proposed SPS agreement is a reasonable attempt to set out the technical and operational requirements for interconnecting customer-owned SPS systems.

Issue 2: What is the appropriate effective date for TECO's proposed agreement?

Recommendation: The appropriate effective date for the agreement is October 17, 2000.

Issue 3: Should this docket be closed?

Recommendation: Yes. If no protest is filed within 21 days of the issuance of the order this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

41\*\*PAA

DOCKET NO. 001186-EI - Petition for approval of new environmental programs for cost recovery through the Environmental Cost Recovery Clause by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer JB

Staff: SER: Breman, D. Lee, McNulty  
ECR: E. Draper, P. Lee, Slemkewicz  
LEG: Stern

Issue 1: Is Tampa Electric Company's Particulate Emission Minimization and Monitoring Program (PM Program) eligible for cost recovery through the ECRC?

Recommendation: Yes.

Issue 2: Is Tampa Electric Company's Reduction of Nitrogen Oxide Emissions Program at Big Bend Units 1, 2, and 3 (NOX Program) eligible for cost recovery through the ECRC?

Recommendation: Yes.

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 proposed agency action files a protest within 21 days of the issuance of the proposed agency action order.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

42\*\*PAA

DOCKET NO. 000982-EI - Petition by Florida Power & Light Company for approval of conditional settlement agreement which terminates standard offer contracts originally entered into between FPL and Okeelanta Corporation and FPL and Osceola Farms, Co. (Deferred from 9/26/00 Commission Conference and revised recommendation filed.)

Critical Date(s): 10/19/00 (PAA order required to satisfy condition of settlement agreement.)

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: SER: Haff, Bohrmann, Harlow, Lee  
ECR: Lester, Mailhot  
LEG: C. Keating

Issue 1: Should the Commission approve Florida Power & Light Company's Petition for Approval of Agreement to Buy Out the Okeelanta Corporation and Osceola Farms Standard Offer Contracts?

Recommendation: Yes. The Agreement appears to be cost-effective and in the best interest of FPL's ratepayers. The Agreement will enable the Okeelanta and Osceola facilities to become merchant plants on the electric grid, thus mitigating potential price spikes in the wholesale electricity market. If the Agreement is approved, FPL should adjust the capital structure in its earnings surveillance reports to comply with the equity ratio cap contained in the stipulation approved by the Commission in Order No. PSC-99-0519-AS-EI.

Issue 2: Should the Commission approve the cost-recovery method for the settlement payment as proposed by Florida Power & Light Company in Docket Number 000001-EI at this time?

Recommendation: Yes. Pursuant to testimony filed in Docket No. 000001-EI and as discussed at the September 26, 2000 Agenda Conference, FPL has proposed deferring collection of the settlement payment until January 1, 2002. Beginning on January 1, 2002, FPL has also proposed to amortize the settlement payment over a period of five years with the unamortized portion accruing interest at the commercial

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

42\*\*PAA

DOCKET NO. 000982-EI - Petition by Florida Power & Light Company for approval of conditional settlement agreement which terminates standard offer contracts originally entered into between FPL and Okeelanta Corporation and FPL and Osceola Farms, Co. (Deferred from 9/26/00 Commission Conference and revised recommendation filed.)

(Continued from previous page)

paper rate. FPL's proposal results in approximately \$29 million dollars less in charges through the adjustment clauses.

Issue 2 3: Should this docket be closed?

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

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

43 DOCKET NO. 940109-WU - Petition for interim and permanent rate increase in Franklin County by St. George Island Utility Company, Ltd.

Critical Date(s): None

Hearing Date(s): Available upon request

Commissioners Assigned: DS  
Prehrg Officer DS

Staff: RGO: Rehwinkel  
ECR: Rendell, Crouch, Willis  
LEG: Gervasi

Issue 1: Should the funds in the escrow account be released to the utility and the escrow account closed?

Recommendation: Yes. The funds in the escrow account should be released to the utility and the escrow account should be closed.

Issue 2: Is the utility in compliance with Order No. PSC-94-1383-FOF-WU, issued November 14, 1994, in Docket No. 940109-WU?

Recommendation: Yes. The utility is in compliance with Order No. PSC-94-1383-FOF-WU, issued November 14, 1994, in Docket No. 940109-WU.

Issue 3: Should the docket be closed?

Recommendation: Yes. No further action is necessary. Therefore the docket should be closed.

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



Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

44\*\*PAA

DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.  
DOCKET NO. 990517-TL - Request for review of proposed numbering plan relief for the 904 area code.

Critical Date(s): 10/01/01 (Exhaust date for 305 area code.)  
10/01/04 (Exhaust date for 305/786 area codes.)  
01/01/02 (Exhaust date for 904 area code.)

Hearing Date(s): Available upon request

Commissioners Assigned: DS JC  
Prehrg Officer - Pending

Staff: CMP: Ileri, Bulecza-Banks  
LEG: B. Keating, Vaccaro, Fordham

Issue 1: What criteria should the Commission establish to ballot customers in the following areas/regions:

- A) Sanford exception area (904 area code)
- B) Keys region(305 area code)
- C) Miami-Dade area (305/786 area codes)

Recommendation: Staff recommends that the Commission apply the criteria set forth in Rule 25-4.063, Florida Administrative Code (F.A.C.), with the exception of subsection (6) of the Rule.

DECISION: The recommendation was approved with the modifications identified in Issue 2.

Issue 2: What should be the threshold criteria (pass/fail rate) in the following area/regions:

- A) Sanford exception area (904 area code)
- B) Keys region(305 area code)
- C) Miami-Dade area (305/786 area codes)

Recommendation: Upon approval of Issue 1, staff recommends that the Commission require that at least 60 percent of the

ITEM NO.

CASE

---

44\*\*PAA

DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.  
DOCKET NO. 990517-TL - Request for review of proposed numbering plan relief for the 904 area code.

(Continued from previous page)

subscribers balloted must respond, and of those responding, at least a majority (50%) must vote in favor of a telephone number change in the Sanford exception area (60/50 criteria). Staff also recommends that the same criteria should be applied for the Keys region and Miami-Dade area.

DECISION: The recommendation was approved with the following modifications:

- A) No threshold response rate is required for Osteen; simple majority passes.
- B & C) A 40% response rate is required; simple majority passes.

Issue 3: What rate(s) should be reflected in the ballots for the Keys region and Miami-Dade area?

Recommendation: Staff recommends that the Commission require BellSouth to itemize all costs associated with rate center consolidation and code sharing for the Keys region and Miami-Dade area. Staff also recommends that the Commission require BellSouth to calculate the rates per month per line, which will be used in the balloting process. In addition, staff recommends that BellSouth provide this information to staff by November 13, 2000.

DECISION: The recommendation was approved.

Issue 4: What is the appropriate time frame and procedures for balloting the following areas/regions:

- A) Sanford exception area (904 area code)
- B) Keys region (305 area code)
- C) Miami-Dade area (305/786 area codes)

Recommendation: If the Commission approves staff's recommendation in Issues 1, 2, and 3, staff recommends that the balloting be conducted as presented in the analysis portion of staff's memorandum dated October 5, 2000.

Minutes of  
Commission Conference  
October 17, 2000

<u>ITEM NO.</u>	<u>CASE</u>
44**PAA	DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region. DOCKET NO. 990517-TL - Request for review of proposed numbering plan relief for the 904 area code.

(Continued from previous page)

DECISION: The recommendation was approved with the clarification that implementation dates maybe changed if the PAA order is protested.

Issue 5: Should these dockets be closed?

Recommendation: No. If staff's recommendation in Issues 1, 2, 3, and 4 is approved, the resulting order will be a Proposed Agency Action. If no person whose substantial interests are affected timely files a protest within 21 days of the issuance of the Order, the decision will become final upon issuance of a consummating order. Staff recommends that these dockets should not be closed pending the implementation of various number conservation measures in these area codes.

DECISION: The recommendation was approved.

Commissioners participating: Deason, Jacobs

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

45\*\*

DOCKET NO. 980670-WS - Investigation of possible overearnings by Sanlando Utilities Corporation in Seminole County.

DOCKET NO. 971186-SU - Application for approval of reuse project plan and increase in wastewater rates in Seminole County by Sanlando Utilities Corporation.

Critical Date(s): None

Commissioners Assigned: DS JC

Prehrg Officer DS (980670)

Prehrg Officer JC (971186)

Staff: LEG: Brubaker

ECR: Willis, Rendell

Issue 1: Should the Commission grant the September 6, 2000, Joint Motion to Accept Settlement Agreement filed by Sanlando Utilities Corporation and the Office of Public Counsel?

Recommendation: Yes. The Commission should grant the parties' Motion and approve the settlement agreement in its entirety. The withdrawal of OPC's protest should be acknowledged, and PAA Order No. PSC-00-1263-PAA-WS should be made final as modified by the settlement agreement. The utility should file revised tariff sheets and a proposed customer notice to reflect the reduction in its monthly water base facility charge as provided in the settlement agreement. The approved charge should be effective for service rendered on or after the stamped approval date of the revised tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code. The charge should not be implemented until staff has approved the proposed customer notice, and the notice has been received by the customers. The utility should provide proof of the date notice was given no less than 10 days after the date of the notice.

Issue 2: Should these dockets be closed?

Recommendation: Yes. These dockets should be closed administratively upon staff's verification that the revised tariff sheets and customer notice have been filed by the utility and approved by staff.

DECISION: The recommendations were approved with a modification to staff analysis.

ITEM NO.

CASE

---

46 Commissioners participating: Deason, Jacobs, Jaber, Baez  
DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.  
DOCKET NO. 990321-TP - Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation. **(Issue 2 deferred from the 9/5/00 Commission Conference. Issues 1, 3, and 4 were voted on at that time.)**

Critical Date(s): None

Hearing Date(s): Available upon request

Commissioners Assigned: DS JC  
Prehrg Officer DS

Staff: CMP: Hinton, Ileri, Fulwood, Dowds, Barrett, Audu, Simmons  
LEG: B. Keating

Issue 2: Should the Commission grant GTEFL's Petition for Reconsideration, BellSouth's Motion for Reconsideration and Clarification and Sprint's Motion for Reconsideration and Clarification?

Recommendation: Staff recommends that the Motions for Reconsideration and/or Clarification be granted, in part, and denied, in part, as follows:

I. Copper Entrance Facilities

Staff recommends that BellSouth's request for clarification regarding the Commission's determination on copper entrance facilities be granted. The Commission should clarify that the Commission's decision only addresses the use of copper entrance cabling within the context of collocation outside a central office (CO), but does not reach the issue of copper cabling in other situations. The Commission should also clarify that only collocation between an ALEC's controlled environmental vault (CEV) on an ILEC's property and an ILEC CO was considered in this decision, not interconnection between BellSouth's CO and the ALEC's CO.

ITEM NO.

CASE

46                   DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.  
DOCKET NO. 990321-TP - Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

(Continued from previous page)

II. Conversion of Virtual to Physical Collocation

Staff recommends that BellSouth and GTEFL's Motions for Reconsideration regarding conversion of virtual to physical collocation be granted. In view of the fact that a federal court has now rendered an interpretation of federal law that is directly contrary to this Commission's interpretation on this point, staff believes that the Commission's decision on this point may be considered in error. In conformance with the U.S. Court of Appeals for the D.C. Circuit's ruling (DC Circuit or Court), the Commission should determine that the ILEC, rather than the ALEC, may determine where the ALEC's physical collocation equipment should be placed within a central office, even in situations where the ALEC is converting from virtual to physical collocation.

III. Billing for Conversion

Staff recommends that BellSouth's request for clarification on this point be denied. This issue has been fully and clearly addressed in the Commission's Order. Furthermore, there is no evidence in the record to support BellSouth's requested clarification regarding a space preparation charge.

IV. Cross-Connects between Collocators

Staff recommends that BellSouth's and GTEFL's Motions for Reconsideration regarding the Commission's decision on cross-connects between collocators be granted. The FCC's Order 99-48 and the FCC Rules upon which the Commission relied for its decision on this point have been vacated by the DC Circuit. In view of the fact that a federal court has now rendered an interpretation of federal law that is directly contrary to this Commission's interpretation on this point, staff believes that the Commission's decision on

ITEM NO.

CASE

46                   DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.  
DOCKET NO. 990321-TP - Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

(Continued from previous page)

this point may be considered in error. In conformance with the Court's decision, the Commission should find that ILECs are not required to allow collocators to cross-connect within a CO. Staff recommends, however, that ILECs be encouraged to consider requests by ALECs for permission to cross-connect.

V. Reservation of Space

Staff recommends that BellSouth's and GTEFL's Motions for Reconsideration be denied as they pertain to reservation of space within a CO. Arguments regarding reservation of space were fully addressed in the Commission's Order. Therefore, BellSouth and GTEFL have failed to identify a mistake of fact or law made by the Commission in rendering its decision.

VI. First-Come, First-Served Rule

Staff recommends that the Commission grant BellSouth and Sprint's Motions for Reconsideration regarding application of the FCC's first-come, first-served rule. The motions for reconsideration demonstrate a mistake made by the Commission in rendering its decision on this point. The Commission should determine that an applicant's place on the waiting list for collocation space should be based upon the date the ILEC received the applicant's collocation application.

VII. Implementation Date

Staff recommends that BellSouth's request for clarification regarding the implementation date of the Commission's Order be denied. The implementation date of the Commission's Order was the issuance date of that Order, May 11, 2000.

VIII. Equipment

ITEM NO.

CASE

46                   DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.  
DOCKET NO. 990321-TP - Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

(Continued from previous page)

Staff recommends that the Commission grant GTEFL's Motion for Reconsideration regarding the Commission's decision on equipment that an ILEC must allow to be collocated, to the extent that the decision indicates that parties should rely upon the portions of FCC Order 99-48 that have now been vacated by the DC Circuit. The Commission's decision should, however, remain in place to the extent that it relies upon FCC Order 96-325 and the FCC rules promulgated prior to FCC Order 99-48. Staff further recommends that Sprint's request for clarification be denied.

IX. Site Preparation Cost Recovery

Staff recommends that the Commission deny GTEFL's Motion for Reconsideration as it pertains to site preparation cost recovery. GTEFL has not identified any mistake of fact or law made by the Commission in rendering its decision on this point.

X. Tour for Partial Collocation Space

Staff recommends that the Commission deny Sprint's Motion for Reconsideration regarding CO tours when an ILEC denies an ALEC part of the collocation space requested. The arguments presented by Sprint were fully addressed in the Commission's Order. Sprint has not identified any mistake of fact or law made by the Commission in rendering its decision on this point.

XI. Response to Application

Staff recommends that the Commission deny Sprint's Motion for Reconsideration as it applies to the Commission's decision on the timing of responses to applications for collocation space. Sprint has failed to identify any mistake of fact or law made by the Commission in rendering its decision on this point. The issue of collocation at



ITEM NO.

CASE

46                   DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.  
DOCKET NO. 990321-TP - Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

(Continued from previous page)

remote sites was not raised at hearing in addressing this issue, even though it could have been.

XII. Demarcation Point

Staff recommends that the Commission grant Sprint's request for clarification regarding the appropriate demarcation point. The Commission should clarify that POT bays are permissible as demarcation points, but may not be required.

XIII. Price Quotes

Staff recommends that Sprint's request for clarification regarding price quotes be denied. There is nothing in the record to support the requested clarification.

DECISION: The recommendations were approved.

Commissioners participating: Deason, Jacobs

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

47

DOCKET NO. 992018-TP - Petition by BellSouth  
Telecommunications, Inc. for arbitration of resale agreement  
with Atlantic Telecommunication Systems, Inc.

Critical Date(s): None

Commissioners Assigned: JC JB  
Prehrg Officer JC

Staff: LEG: Fordham  
CMP: Arant, Simmons

Issue 1: Should the Commission approve the final arbitrated  
agreement between Atlantic and BellSouth which was filed on  
August 18, 2000?

Recommendation: Yes. The Commission should approve the final  
arbitrated agreement between Atlantic and BellSouth which  
was filed on August 18, 2000.

Issue 2: Should this docket now be closed?

Recommendation: Yes. This docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber

Minutes of  
Commission Conference  
October 17, 2000

ITEM NO.

CASE

---

48\*\*PAA

DOCKET NO. 950379-EI - Determination of regulated earnings of Tampa Electric Company pursuant to stipulations for calendar years 1995 through 1999.

Critical Date(s): None

Hearing Date(s): 11/30/98, Talla., Prehrg., GR  
12/7/98, Talla., JN DS CL GR JC

Commissioners Assigned: JC JB BZ  
Prehrg Officer BZ

Staff: ECR: Merta, P. Lee, D. Draper, C. Romig  
LEG: Elias

Issue 1: What is the appropriate rate base for 1999?

Recommendation: The appropriate rate base is \$2,116,831,729.

Issue 2: What is the appropriate capital structure for purposes of measuring earnings for 1999?

Recommendation: For the purpose of measuring earnings under the stipulation, the appropriate capital structure for 1999 is shown on Attachment B of staff's October 5, 2000 memorandum.

Issue 3: What is the appropriate net operating income for 1999?

Recommendation: The appropriate net operating income is \$178,865,684 for 1999.

Issue 4: What is the amount to be refunded?

Recommendation: The amount to be refunded is \$6,102,126, including interest, as of December 31, 2000. Additional interest should be accrued from December 31, 2000 to the time the actual refund is completed.

Issue 5: 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: This item was deferred to a later Commission Conference.

ITEM NO.

CASE

49\*\*

DOCKET NO. 000442-EI - Petition for determination of need for the Osprey Energy Center by Calpine Construction Finance Company, L.P.

Critical Date(s): None

Commissioners Assigned: JC JB BZ  
Prehrg Officer JB

Staff: LEG: Elias, Isaac  
CMP: Makin  
ECR: Lester, Stallcup  
SER: Harlow, Bohrmann, Breman

**(ORAL ARGUMENT REQUESTED.)**

Issue 1: Should the Commission grant Calpine's Request for Oral Argument?

Recommendation: Yes. The Commission should grant Calpine's request for oral argument.

DECISION: The recommendation was approved.

Issue 2: Should the Commission grant FPL's Emergency Motion to Hold this Matter in Abeyance?

Recommendation: No. FPL's Motion should be denied.

DECISION: The recommendation was approved with direction pursuant to discussion.

Issue 3: Should the Commission grant Calpine's petition for a determination that Rule 25-22.082(2), Florida Administrative Code, does not apply to Calpine, or grant Calpine's alternative request for waiver of Rule 25-22.082(2), Florida Administrative Code?

Recommendation: The Commission should grant Calpine's petition for a Determination that Rule 25-22.082(2), Florida Administrative Code, does not apply to Calpine.

DECISION: This issue was deferred.

Issue 4: Should the Commission grant Florida Power & Light Company's (FPL's) motion to dismiss Calpine's Petition for Determination of Need for an Electrical Power Plant?

ITEM NO.

CASE

49\*\*

DOCKET NO. 000442-EI - Petition for determination of need for the Osprey Energy Center by Calpine Construction Finance Company, L.P.

(Continued from previous page)

Recommendation: No. Calpine's petition for need determination states a cause of action upon which relief can be granted because it alleges all of the required elements. At the time Calpine files its information concerning contractual commitments, it shall file all the information required by Rule 25-22.081, Florida Administrative Code.

DECISION: The recommendation was approved with direction to staff that, if at any time, they feel comfortable recommending the petition be dismissed, they are to do so.

Issue 5: Should the Commission grant Florida Power Corporation's motion to dismiss Calpine Construction Finance Company L.P.'s petition for determination of need for an electrical power plant?

Recommendation: No. Calpine's petition states a cause of action upon which relief can be granted because it alleges all of the required elements.

DECISION: The recommendation was approved as noted under Issue 4.

Issue 6: Should this docket be closed?

Recommendation: No. This docket should remain open for the hearing.

DECISION: The recommendation was approved.

Commissioner Jacobs dissented on Issues 4 and 5.

Commissioners participating: Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

<u>ITEM NO.</u>	<u>CASE</u>
50**	DOCKET NO. 000003-GU - Purchased gas adjustment (PGA) true-up.  Critical Date(s): None  Commissioners Assigned: JC JB BZ Prehrg Officer JB  Staff: CMP: Makin, Bulecza-Banks LEG: C. Keating  <u>Issue 1</u> : Should the Commission grant Florida Public Utilities Company's (Florida Public or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 50.050 cents per therm to 70.384 cents per therm? <u>Recommendation</u> : Yes. The Commission should approve the Company's proposed PGA cap of 70.384 cents per therm effective November 1, 2000, through the December 31, 2000 billing cycles. <u>Issue 2</u> : Should this docket be closed? <u>Recommendation</u> : No. The purchased gas adjustment true-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber, Baez

Minutes of  
Commission Conference  
October 17, 2000

<u>ITEM NO.</u>	<u>CASE</u>
51**	DOCKET NO. 000003-GU - Purchased gas adjustment (PGA) true-up.  Critical Date(s): None  Commissioners Assigned: JC JB BZ Prehrg Officer JB  Staff: CMP: Makin, Bulecza-Banks LEG: C. Keating  <u>Issue 1</u> : Should the Commission grant St. Joe Natural Gas Company's (St. Joe or the Company) petition for an increase in its Purchased Gas Adjustment (PGA) cap from 44.900 cents per therm to 86.400 cents per therm? <u>Recommendation</u> : Yes. The Commission should approve the Company's proposed PGA cap of 86.400 cents per therm effective for all meter readings beginning with the Company's October 2000 billing cycle through December 31, 2000. <u>Issue 2</u> : Should this docket be closed? <u>Recommendation</u> : No. The purchased gas adjustment true-up docket is ongoing and should remain open.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Jaber, Baez

Table of Contents  
 Commission Conference Agenda  
 October 17, 2000

ITEM NO.	CASE	PAGE
1	Approval of Minutes . . . . .	2
2**	Consent Agenda . . . . .	2
3**	DOCKET NO. 001502-WS - Proposed Rule 25-30.371, Acquisition Adjustment. . . . .	8
4	DOCKET NO. 980643-EI - Proposed amendments to Rules 25-6.135, F.A.C., Annual Reports; 25-6.1351, F.A.C., Cost Allocation and Affiliate Transactions; and 25- 6.0436, F.A.C., Depreciation. (Deferred from the 9/5/00 Commission Conference.) . . . . .	9
5	DOCKET NO. 990994-TP - Proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated. . . . .	10
6**PAA	DOCKET NO. 001411-TI - Investigation and determination of method to credit access flow-through reductions by MCI WorldCom Communications, Inc. and TTI National, Inc., as required by Section 364.163, F.S. . . . .	11
7**PAA	DOCKET NO. 000817-GU - Petition for approval of CTS Gas Transportation Service Agreement with Peace River Citrus Products, Inc., by Florida Division of Chesapeake Utilities Corporation. . . . .	14
8**	DOCKET NO. 001111-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6038 issued to Payphone Communications, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. . . . .	15
9**PAA	DOCKET NO. 001128-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6083 issued to Wayne Wyckoff for violation of Rule 25- 4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. . . . .	16



Table of Contents  
 Commission Conference Agenda  
 October 17, 2000

ITEM NO.	CASE	PAGE
10**PAA	DOCKET NO. 001131-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7006 issued to Michael Anthony Teese for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. . . . .	17
11**PAA	DOCKET NO. 001187-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7276 issued to Talon Enterprises, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. . . . .	18
12**	DOCKET NO. 000913-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3251 issued to Hasan Akhtar for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 000938-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3932 issued to Pedro Gonzalez for violation of Rule No. 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. . . . .	19
13**	DOCKET NO. 000897-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 2358 issued to Telaleasing Enterprises, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. . . . .	20
14**PAA	DOCKET NO. 001129-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6084 issued to BF Goodman for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. . . . .	21
15**PAA	Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.  DOCKET NO. 001094-TC - Double M Mart, Inc. DOCKET NO. 001152-TC - Javier Pelletier . . . . .	22

Table of Contents  
 Commission Conference Agenda  
 October 17, 2000

ITEM NO.	CASE	PAGE
16**PAA	DOCKET NO. 001090-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 6004 issued to David Stover Jr. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. . . . .	24
17**PAA	DOCKET NO. 001158-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7121 issued to Kosmo K, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunication Companies. . . . .	25
18**PAA	DOCKET NO. 001189-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7187 issued to Alex Levy for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. . . . .	26
19**PAA	Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rule Nos. 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.  DOCKET NO. 001039-TC - David G. Retherford d/b/a Three Tuitions DOCKET NO. 001056-TC - Hernando Buenaventura, Jr.	27
20**PAA	Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.  DOCKET NO. 001057-TC - Shane Anthony Marshall DOCKET NO. 001077-TC - George Leyva d/b/a National Payphone of Florida DOCKET NO. 001092-TC - MGPH Management Group, Inc. DOCKET NO. 001093-TC - John Paul Cook DOCKET NO. 001105-TC - ComPlus, L.L.C. of Texas DOCKET NO. 001190-TC - PhoneNet, Inc. . . . .	29
21**PAA	Cancellation by Florida Public Service Commission of pay telephone certificates for violation of Rules 25-	

Table of Contents  
 Commission Conference Agenda  
 October 17, 2000

ITEM NO.	CASE	PAGE
	4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.	
	DOCKET NO. 001058-TC - Donna Marie Smith d/b/a Next Generation Pay Phone Services	
	DOCKET NO. 001104-TC - Johanns Torres . . . . .	31
22**PAA	DOCKET NO. 001136-TC - Request for exemption from requirements of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by Goran Dragoslavic d/b/a First American Telecommunications Corporation. . . . .	33
23**PAA	Requests for exemption from requirement of Rule 25- 24.515(13), F.A.C., that each pay telephone station shall allow incoming calls.	
	DOCKET NO. 000953-TC - Southeast Pay Telephone, Inc. DOCKET NO. 001141-TC - BellSouth Public Communications, Inc. . . . .	34
24**PAA	DOCKET NO. 001137-TC - Request for exemption from requirements of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by BellSouth Public Communications, Inc. . . . .	35
25	DOCKET NO. 000768-GU - Request for rate increase by City Gas Company of Florida. . . . .	36
26**PAA	DOCKET NO. 000090-SU - Application for limited proceeding rate increase in Lee County by Useppa Island Utility, Inc. . . . .	38
27**	DOCKET NO. 001292-WS - Request for change in billing period from monthly to quarterly in Manatee County by Floridana Homeowners, Inc. . . . .	42
28**	DOCKET NO. 001217-EI - Petition for authority to modify Commercial/Industrial Service Rider Pilot Study by Gulf Power Company. . . . .	43

Table of Contents  
 Commission Conference Agenda  
 October 17, 2000

ITEM NO.	CASE	PAGE
29**	DOCKET NO. 000610-WS - Application for uniform service availability charges in Duval, Nassau, and St. Johns Counties by United Water Florida Inc. . . . .	44
30**	DOCKET NO. 000399-TI - Initiation of show cause proceedings against AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save and d/b/a Lucky Dog Phone Co. and d/b/a ACC Business for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries. . . . .	45
31**	DOCKET NO. 000036-TI - Initiation of show cause proceedings against USLD Communications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries; and investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context	46
32**	DOCKET NO. 000482-TC - Initiation of show cause proceedings against Maria E. Delgado d/b/a Global Communication for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries. .	48
33**	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. (Deferred from the 9/26/00 Commission Conference.) . . . . .	49
34**	DOCKET NO. 990731-WU - Application for transfer of water facilities from Sunrise Water Company, Inc., holder of Certificate No. 584-W, to Keen Sales, Rentals and Utilities, Inc., holder of Certificate No. 582-W, in Polk County, for cancellation of Certificate No. 584-W, and for amendment of Certificate No. 582-W to include additional territory. . . . .	50

Table of Contents  
 Commission Conference Agenda  
 October 17, 2000

ITEM NO.	CASE	PAGE
35**PAA	DOCKET NO. 000713-TI - Petition by Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance d/b/a Nevada Bell Long Distance d/b/a Pacific Bell Long Distance d/b/a SBC Long Distance for waiver of Rule 25-24.490(2), F.A.C., which requires an interexchange company to file a bond covering its current deposits and advance payments for more than one month's service. . . . .	51
36**PAA	DOCKET NO. 000789-TI - Application for certificate to provide interexchange telecommunications service by Verizon Advanced Data Inc., and request for waiver of bond requirement in Rule 25-24.490(2), F.A.C. . .	52
37**	DOCKET NO. 000462-TP - Application for transfer of control of Florida Digital Network, Inc. (holder of ALEC Certificate No. 5715 and IXC Certificate No. 7048) to Elantic Communications, Inc., whereby Florida Digital will become a direct, wholly owned subsidiary of Elantic. . . . .	53
38**	DOCKET NO. 000328-TP - Request for approval of transfer of ultimate control of Concert Communications Sales LLC ("CCS") (holder of ALEC Certificate No. 7253 and pending IXC Certificate No. 7372) from British Telecommunications plc ("BT") to a global joint venture called "Concert" in which BT and AT&T Corp. each maintain a 50% controlling interest; and for approval of forthcoming corporate reorganization whereby authority currently held by CCS will be transferred to Concert USA, an affiliate of CCS, and CCS will be merged into Concert USA. . . . .	54
39**	DOCKET NO. 000081-TI - Request by International Exchange Communications, Inc. d/b/a IE COM (holder of IXC Certificate No. 5798) and NOSVA Limited Partnership (holder of IXC Certificate No. 3560) for approval of an asset purchase agreement whereby IE COM will purchase and NOSVA will sell the international operating division of NOSVA, including all customers thereof. . . . .	55

Table of Contents  
 Commission Conference Agenda  
 October 17, 2000

ITEM NO.	CASE	PAGE
40**	DOCKET NO. 000758-EQ - Petition for approval of a pilot program for small photovoltaic systems by Tampa Electric Company. . . . .	56
41**PAA	DOCKET NO. 001186-EI - Petition for approval of new environmental programs for cost recovery through the Environmental Cost Recovery Clause by Tampa Electric Company. . . . .	57
42**PAA	DOCKET NO. 000982-EI - Petition by Florida Power & Light Company for approval of conditional settlement agreement which terminates standard offer contracts originally entered into between FPL and Okeelanta Corporation and FPL and Osceola Farms, Co. . . . .	58
43	DOCKET NO. 940109-WU - Petition for interim and permanent rate increase in Franklin County by St. George Island Utility Company, Ltd. . . . .	59
44**PAA	DOCKET NO. 990455-TL - Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region. DOCKET NO. 990517-TL - Request for review of proposed numbering plan relief for the 904 area code. . . . .	60
45**	DOCKET NO. 980670-WS - Investigation of possible overearnings by Sanlando Utilities Corporation in Seminole County. DOCKET NO. 971186-SU - Application for approval of reuse project plan and increase in wastewater rates in Seminole County by Sanlando Utilities Corporation. . . . .	61
46	DOCKET NO. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory. DOCKET NO. 990321-TP - Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation. <b>(Issue 2 deferred from the</b>	

Table of Contents  
 Commission Conference Agenda  
 October 17, 2000

ITEM NO.	CASE	PAGE
	<b>9/5/00 Commission Conference. Issues 1, 3, and 4 were voted on at that time.) . . . . .</b>	<b>62</b>
47	DOCKET NO. 992018-TP - Petition by BellSouth Telecommunications, Inc. for arbitration of resale agreement with Atlantic Telecommunication Systems, Inc. . . . .	67
48**PAA	DOCKET NO. 950379-EI - Determination of regulated earnings of Tampa Electric Company pursuant to stipulations for calendar years 1995 through 1999.	68
49**	DOCKET NO. 000442-EI - Petition for determination of need for the Osprey Energy Center by Calpine Construction Finance Company, L.P. . . . .	69
50**	DOCKET NO. 000003-GU - Purchased gas adjustment (PGA) true-up. . . . .	70
51**	DOCKET NO. 000003-GU - Purchased gas adjustment (PGA) true-up. . . . .	71