

MINUTES OF SEPTEMBER 4, 2001
COMMISSION CONFERENCE
COMMENCED: 9:35 a.m.
ADJOURNED: 4:25 p.m.

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

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

-
-
- 1 Approval of Minutes
 June 25, 2001 Regular Commission Conference
 July 10, 2001 Regular Commission Conference
 July 24, 2001 Regular Commission Conference

DECISION: The minutes were approved.

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

2** Consent Agenda

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
011048-TC	St. Augustine/St. Johns County Airport Authority
010972-TC	L.B. Computer Solutions, Inc.
010999-TC	Sarasota Jungle Gardens Inc.
011004-TC	Frederick Gorayeb and Jeff Gorayeb d/b/a FJ Communications
011082-TC	YHK, Inc.

PAA B) Applications for certificates to provide interexchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010777-TI	Sonix4U, Inc.

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

2**

Consent Agenda

(Continued from previous page)

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010806-TI	Aventura Networks, Inc.
010964-TI	World Communications Satellite Systems, Inc.
010991-TI	American Telecommunications & Technology, Inc. d/b/a Amtel
001805-TI	Mercury Long Distance, Inc.
010752-TI	NTERA, Inc.
010632-TI	Pilgrim Telephone, Inc.
010980-TI	SBA Broadband Services, Inc.
011010-TI	Heritage Technologies, Ltd.

PAA

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010654-TX	NTERA, Inc.
010987-TX	FPL FiberNet, LLC
001791-TX	Mercury Long Distance, Inc.
010633-TX	Pilgrim Telephone, Inc.
010981-TX	SBA Broadband Services, Inc.
010990-TX	TeleCents Communications, Inc.
011009-TX	Heritage Technologies, Ltd.
011062-TX	Fiber Media, LLC

PAA

D) Request for cancellation of interexchange telecommunications certificate.

Minutes of
 Commission Conference
 September 4, 2001

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

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

(Continued from previous page)

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
010851-TI	ComTel Computer Corp.	06/11/01

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

DECISION: The recommendation was approved.

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

Minutes of
Commission Conference
September 4, 2001

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

3**	Docket No. 001502-WS - Proposed Rule 25-30.0371, F.A.C., Acquisition Adjustment.
	Critical Date(s): None
	Rule Status: Proposal
	Commissioners Assigned: Full Commission Prehearing Officer Administrative
	Staff: APP: Moore ECR: Hewitt, Willis LEG: Brubaker PAI: Shafer RGO: Daniel

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

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

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

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

RECOMMENDATION: Yes.

DECISION: This item was deferred.

Minutes of
Commission Conference
September 4, 2001

<u>ITEM NO.</u>	<u>CASE</u>
4**	<p>Docket No. 001574-EQ - Proposed amendments to Rule 25-17.0832, F.A.C., Firm Capacity and Energy Contracts.</p> <p>Critical Date(s): None</p> <p>Rule Status: Proposal</p> <p>Commissioners Assigned: Full Commission Prehearing Officer Administrative</p> <p>Staff: APP: Cibula ECR: Hewitt LEG: Helton, Elias SER: Harlow</p> <p><u>ISSUE 1</u>: Should the Commission propose amendments to Rule 25-17.0832, Florida Administrative Code, entitled "Firm Capacity and Energy Contracts"?</p> <p><u>RECOMMENDATION</u>: Yes, the Commission should propose the amendments.</p> <p><u>ISSUE 2</u>: Should this docket be closed?</p> <p><u>RECOMMENDATION</u>: Yes. If no requests for hearing or comments are filed, the rule amendments as proposed should be filed for adoption with the Secretary of State and the docket closed.</p> <p><u>DECISION</u>: The recommendations were approved. Commissioner Palecki dissented.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

Minutes of
Commission Conference
September 4, 2001

<u>ITEM NO.</u>	<u>CASE</u>
5**PAA	<p>Docket No. 010983-TL - Petition of BellSouth Telecommunications, Inc. for expedited review of growth code denials by North American Numbering Administration (Miami Exchange).</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer Administrative</p> <p>Staff: CMP: Brown, Casey LEG: Fordham</p> <p><u>ISSUE 1</u>: Should the Commission overturn NANPA's decision to deny BellSouth's four code requests for the Miami rate center? <u>RECOMMENDATION</u>: Yes. The Commission should overturn NANPA's decision to deny the code requests, and direct NANPA to provide BellSouth with the requested numbering resources for the Grande (MIAMFLGRDS0), Hialeah (MIAMFLHLDS0), Canal (MIAMFLCADS0) and Bayshore (MIAMFLBA85E) switches in the Miami rate center.</p> <p><u>ISSUE 2</u>: Should this docket be closed? <u>RECOMMENDATION</u>: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

6**PAA

Docket No. 011005-TX - Bankruptcy cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7299 issued to Pathnet, Inc. d/b/a Pathnet Communications, Inc., effective 8/2/01.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Administrative

Staff: CMP: Isler
LEG: Elliott

ISSUE 1: Should the Commission grant Pathnet, Inc. d/b/a Pathnet Communications, Inc.'s request for cancellation of its Certificate No. 7299?

RECOMMENDATION: Yes. The Commission should grant the company a bankruptcy cancellation of its Certificate No. 7299 with an effective date of August 2, 2001. In addition, the Division of the Commission Clerk and Administrative Services will be notified that the past due RAFs should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write-off the uncollectible amount should be requested.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

7**

Docket No. 001245-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4441 issued to Corporate Services Telcom, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Administrative

Staff: CMP: Isler
LEG: Elliott

ISSUE 1: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed upon issuance of the Final Order. In addition, the Division of the Commission Clerk and Administrative Services should not forward the outstanding RAFs to the Comptroller's Office for collection at this time.

DECISION: The recommendation was approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

8**

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. 010458-TC - David William Stanyon d/b/a Quality Phone Service of Florida (Deferred from July 24, 2001 conference; new recommendation filed.)

Docket No. 010511-TC - Nancy Lynn Perry (Deferred from July 24, 2001 conference; new recommendation filed.)

Docket No. 010640-TC - Dave's Towing & Recovery, Inc.

Docket No. 010660-TC - Geraint J Nicholas d/b/a J.N. Communication Services

Docket No. 010682-TC - R & I Associates, Inc. d/b/a Chuck E. Cheese's Pizza

Docket No. 010683-TC - Notae, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer Administrative

Staff: CMP: Isler

LEG: Pena, B. Keating, Elliott

ISSUE 1: Should the Commission grant the companies listed on Attachment A of staff's August 23, 2001 memorandum a voluntary cancellation of their respective certificates?

RECOMMENDATION: Yes. The Commission should grant each company a voluntary cancellation of its telecommunications certificate with an effective date as listed on Attachment A.

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

9**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. 010555-TC - CoralCom, Inc.

Docket No. 010569-TC - PayTele Communication Service of America

Docket No. 010625-TC - Jack F. Scharf

Docket No. 010627-TC - Bay Com Communications, Inc.

Docket No. 010665-TC - Mario Ramirez d/b/a ENTEL - Communications

Docket No. 010666-TC - Wayne Kurta

Docket No. 010680-TC - Kevin Charles Bertram

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer Administrative

Staff: CMP: Isler

LEG: Pena, B. Keating, Elliott

ISSUE 1: Should the Commission grant the companies listed on Attachment A of staff's August 23, 2001 memorandum a voluntary cancellation of their respective certificates?

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

9**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)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

10**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. 010661-TC - VEGO, Inc.

Docket No. 010679-TC - Nada Hanania d/b/a C.T.N.
Communication

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer Administrative

Staff: CMP: Isler

LEG: Elliott, Pena, B. Keating

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on Attachment A of staff's August 23, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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

Minutes of
Commission Conference
September 4, 2001

<u>ITEM NO.</u>	<u>CASE</u>
10**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)

ISSUE 2: Should the Commission impose a \$500 fine or cancel each company's respective certificate as listed on Attachment A 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 Attachment A if the information required by Rule 25-24.520, Florida Administrative Code, 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 certificate numbers listed on Attachment A should be canceled administratively.

ISSUE 3: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

11**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. 010576-TC - USA Communications, Inc.

Docket No. 010635-TC - Link Tel Communications, Inc.

Docket No. 010636-TC - Select Payphone Providers of America, Inc.

Docket No. 010639-TC - Fox Telecommunication Enterprises, Inc.

Docket No. 010686-TC - Equity Pay Telephone Co., Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer Administrative

Staff: CMP: Isler

LEG: Elliott

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on Attachment A of staff's August 23, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

11**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)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

12**PAA

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

Docket No. 010453-TC - The Firehouse Grill & Pub, Inc.

Docket No. 010481-TC - Pembroke Communications, Inc.

Docket No. 010482-TC - Target Management, Inc.

Docket No. 010624-TC - Leisure Lake Co-Op, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer Administrative

Staff: CMP: Isler

LEG: Elliott, Pena, B. Keating

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on Attachment A of staff's August 23, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

12**PAA

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

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

13**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. 010546-TC - Outreach of America, Inc.
Docket No. 010581-TC - Fernando Asencio + Associates, Inc.
Docket No. 010637-TC - Homer L. Turner Sr.
Docket No. 010638-TC - Lee Calhoun
Docket No. 010658-TC - Kenneth Eric Holcomb d/b/a Innovative Communications

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Administrative

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

ISSUE 1: Should the Commission impose a \$500 fine or cancel each company's respective certificate listed on Attachment A of staff's August 23, 2001 memorandum for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

13**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)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

14**

Docket No. 010678-TA - Cancellation by Florida Public Service Commission of Alternative Access Vendor Certificate No. 7113 issued to City of Bartow for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Deason

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

ISSUE 1: Should the Commission accept the settlement offer proposed by City of Bartow to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7113 should be canceled administratively.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

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

15**	Docket No. 010685-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 5016 issued to The Train-Tel Company for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.
------	---

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Deason

Staff: CMP: Isler
LEG: Elliott

ISSUE 1: Should the Commission accept the settlement offer proposed by The Train-Tel Company to resolve the apparent violation of Rules 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: Jacobs, Deason, Jaber, Baez, Palecki

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

16**

Docket No. 010641-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 7499 issued to Coin-Tel of Pennsylvania, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Administrative

Staff: CMP: Isler
LEG: Elliott

ISSUE 1: Should the Commission accept the settlement offer proposed by Coin-Tel of Pennsylvania, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7499 should be canceled administratively.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$130 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

17**

Docket No. 010681-TC - Cancellation by Florida Public Service Commission of Pay Telephone Certificate No. 3430 issued to Ferob Corporation for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Deason

Staff: CMP: Isler
LEG: Elliott

ISSUE 1: Should the Commission accept the settlement offer proposed by Ferob Corporation to resolve the apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and 25-24.520, F.A.C., Reporting Requirements?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 3430 should be canceled administratively.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

18**

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. 010626-TC - MAH Communications, Inc.

Docket No. 010659-TC - Robert E Jennings and Jeff S Jennings d/b/a R & J Communications

Docket No. 010684-TC - A. CoinPhone Services, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer Administrative

Staff: CMP: Isler

LEG: Pena, B. Keating, Elliott

ISSUE 1: Should the Commission accept the settlement offer proposed by each company listed on Attachment A of staff's August 23, 2001 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 Attachment A fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be canceled administratively.

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

18**

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)

ISSUE 2: Should these dockets be closed?

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

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

19**

Docket No. 011000-GU - Application by Atlantic Utilities, a Florida Division of Southern Union Company d/b/a South Florida Natural Gas for authority to issue and sell securities pursuant to Section 366.04, F.S. and Chapter 25-8, F.A.C.; and request for approval to borrow funds for short-term financing purposes during 12-month period ending July 31, 2002.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Administrative

Staff: ECR: D. Draper, Vendetti
LEG: Elias

ISSUE 1: Should this Application be granted?

RECOMMENDATION: Yes, but with a modification to the authorized period. The authorized period should be from September 4, 2001 to July 31, 2002.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open until staff has completed monitoring this docket, at which time it may be administratively closed.

DECISION: The recommendations were approved with the oral modification to Issue 1 made by staff at the conference.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

20**

Docket No. 010944-EI - Complaint of South Florida Hospital and Healthcare Association, et al. against Florida Power & Light Company, request for expeditious relief, and request for interim rate procedures with rates subject to bond.
Docket No. 001148-EI - Review of Florida Power & Light Company's proposed merger with Entergy Corporation, the formation of a Florida transmission company ("Florida transco"), and their effect on FPL's retail rates.

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer Palecki (010944)

Prehearing Officer Baez (001148)

Staff: LEG: C. Keating

ECR: Brinkley, Slemkewicz

SER: Colson, Harlow

ISSUE 1: Should the Commission grant Florida Power & Light Company's motion to dismiss the South Florida Hospital and Healthcare Association's amended petition for interim rate relief in Docket No. 010944-EI?

RECOMMENDATION: Yes. The Commission should grant Florida Power & Light Company's motion to dismiss the South Florida Hospital and Healthcare Association's amended petition for interim rate relief. On its own motion, the Commission has already considered and decided the matter of interim rates, making SFHHA's amended petition an improper collateral attack on the Commission's decision.

ISSUE 2: Should the Commission grant Florida Power & Light Company's motion to strike the South Florida Hospital and Healthcare Association's answer to FPL's response to SFHHA's request for clarification/reconsideration?

RECOMMENDATION: Yes. The Commission should grant Florida Power & Light Company's motion to strike the South Florida Hospital and Healthcare Association's answer to FPL's response to SFHHA's request for clarification/reconsideration. The Uniform Rules of Procedure do not authorize such a reply to a response to a motion.

ITEM NO.

CASE

20**

Docket No. 010944-EI - Complaint of South Florida Hospital and Healthcare Association, et al. Against Florida Power & Light Company, request for expeditious relief, and request for interim rate procedures with rates subject to bond.
Docket No. 001148-EI - Review of Florida Power & Light Company's proposed merger with Entergy Corporation, the formation of a Florida transmission company ("Florida transco"), and their effect on FPL's retail rates.

(Continued from previous page)

ISSUE 3: Should the Commission grant the South Florida Hospital and Healthcare Association's request for clarification or, in the alternative, reconsideration of Order No. PSC-01-1346-PCO-EI?

RECOMMENDATION: ~~To clarify its intent in rendering Order No. PSC-01-1346-PCO-EI, the Commission should make the clarification requested by the South Florida Hospital Association. The clarification does not have the effect of reversing the Commission's decision to hold no money subject to refund. No. The Commission should deny SFHHA's request for reconsideration/ clarification of Order PSC-01-1346-PCO-EI. In rendering the Order, the Commission did not intend to modify or interpret the terms of the FPL rate stipulation or the order approving it. By denying SFHHA's request, the Commission makes no finding with respect to SFHHA's rights under the stipulation.~~

ISSUE 4: Should these dockets be closed?

RECOMMENDATION: If the Commission approves staff's recommendation to deny SFHHA's amended petition in Issue 1, Docket No. 010944-EI should be closed. Docket No. 001148-EI should remain open.

DECISION: The recommendations were approved with the noted clarification to Issue 3.

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

Minutes of
Commission Conference
September 4, 2001

<u>ITEM NO.</u>	<u>CASE</u>
21**	<p>Docket No. 000824-EI - Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer Baez</p> <p>Staff: ECR: Slemkewicz LEG: Elias</p> <p><u>ISSUE 1</u>: Should the Florida Industrial Power Users Group's Motion for Expedited Customer Rate Relief be granted? <u>RECOMMENDATION</u>: No. There is no express statutory authority for granting the requested relief.</p> <p><u>ISSUE 2</u>: Should FPC's Request for Oral Argument on its Motion for Reconsideration be granted? <u>RECOMMENDATION</u>: Yes. Oral Argument could assist the Commission in evaluating FPC's motion. Oral Argument should be heard at the September 4, 2001, agenda conference and limited to fifteen minutes per side. A recommendation on the Motion for Reconsideration will be filed for consideration at a subsequent agenda conference.</p> <p><u>ISSUE 3</u>: Should this docket be closed? <u>RECOMMENDATION</u>: No. This docket should not be closed.</p> <p><u>DECISION</u>: The recommendations were approved.</p> <p>Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki</p>

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

22**

Docket No. 010245-TI - Initiation of show cause proceedings against OLS, Inc. for apparent violations of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection, and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. (Deferred from April 3, 2001 conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Baez

Staff: LEG: Banks
CMP: Buys

ISSUE 1: Should the Commission accept OLS' revised settlement proposal, dated July 13, 2001, to resolve the apparent violations of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection?

RECOMMENDATION: Yes. The Commission should accept OLS' revised settlement proposal, which includes a voluntary payment of \$51,000 to the State of Florida General Revenue Fund. The payment should be made in six equal monthly intervals in the amount of \$8,500 each. The first payment should be received within 30 days from the issuance date of the Commission's Final Order and should identify the docket number and company name. Each subsequent payment should be due within 30-day intervals following the first payment and should also identify the docket number and company name. The Commission should forward the payments to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If OLS fails to pay in accordance with the terms of its settlement offer, Certificate No. 5224 should be canceled and this docket should be closed. OLS has waived any

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

22**

Docket No. 010245-TI - Initiation of show cause proceedings against OLS, Inc. for apparent violations of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection, and fine assessment for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. (Deferred from April 3, 2001 conference; revised recommendation filed.)

(Continued from previous page)

objection to the administrative cancellation of its certificate should it fail to pay in accordance with its settlement offer. If, however, there is a factual dispute as to the manner of level of compliance with any other provision in the settlement, staff will bring the matter to the Commission for consideration and will allow OLS an opportunity to be heard on the matter.

ISSUE 2: Should the Commission fine OLS \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: No.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation in Issue 1 is approved, OLS should have 30 days from the issuance of the Commission's final order to remit its first payment of \$8,500. The docket should remain open until OLS remits five subsequent payments of \$8,500 each and provides the Commission with a report demonstrating the company's compliance with its settlement offer in conjunction with its sixth and final payment. Upon remittance of all six of its payments, totaling \$51,000, the settlement of all outstanding complaints within 30 days of the Commission's final order, and the company's demonstration that it has complied with its settlement offer, this docket should be closed administratively.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

<u>ITEM NO.</u>	<u>CASE</u>
23**	Docket No. 011125-WS - Complaint by Harold Shriver against Terra Mar Village Utilities, Inc. in Volusia County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Administrative

Staff: LEG: Espinoza
CAF: Raspberry
ECR: Willis

ISSUE 1: Has the complaint by Harold Shriver against Terra Mar Utilities, Inc. been resolved, and should this docket be closed?

RECOMMENDATION: Yes. The complaint by Harold Shriver against Terra Mar Utilities, Inc. has been resolved in that the utility has reconnected the customer's water service as of May 22, 2001, without charging the \$15 reconnect fee, the utility has agreed to waive basic water and sewer charges during the entire course of this investigation (September 2000 through May 2001) with regular billing to commence as of June 1, 2001, and because staff believes that there are no outstanding matters that remain in dispute. Moreover, because no further action is necessary, this docket should be closed.

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

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

Minutes of
Commission Conference
September 4, 2001

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

24**

Docket No. 010726-WS - Complaint by Bayside Mobile Home Park against Bayside Utility Services, Inc. regarding denial of request for water and wastewater service in Bay County.

(Continued from previous page)

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

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

ISSUE 4: Should this docket be closed?

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

DECISION: This item was deferred.

Minutes of
Commission Conference
September 4, 2001

<u>ITEM NO.</u>	<u>CASE</u>
25**	Docket No. 990988-WS - Investigation into the retention of the certificated area of Mad Hatter Utility, Inc. located on Lake Thomas and School Road in Pasco County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Palecki

Staff: LEG: Harris
RGO: Clapp, Messer, Redemann

ISSUE 1: Should the Commission initiate a proceeding to investigate the retention of the certificated area of Mad Hatter Utility, Inc. located on Lake Thomas and School Road in Pasco County?

RECOMMENDATION: No. The Commission should decline to initiate a proceeding to investigate service to territory authorized in Mad Hatter Utility, Inc.'s Certificates Nos. 297-S and 340-W located on Lake Thomas and School Road in Pasco County.

ISSUE 2: Should the docket be closed?

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

DECISION: The recommendations were approved. Additionally, staff was directed to meet with Mr. Spencer, the developer, to help him understand what is needed to complete the development's application process with Mad Hatter.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

26**

Docket No. 001754-TX - Joint application of TeleConex, Inc. (holder of ALEC Certificate No. 5207) and Pre-Cell Solutions, Inc., parent company of Pre-Cell Solutions/Family Phone Service, Inc. (holder of ALEC Certificate No. 5265) for merger of Family Phone Service with and into TeleConex, for transfer of control of TeleConex to Pre-Cell, and for cancellation of Certificate No. 5265.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Administrative

Staff: RGO: Williams
LEG: Fudge

ISSUE 1: Should Order No. PSC-01-0205-PAA-TX be vacated?
RECOMMENDATION: Yes. The merger upon which the order was based was abandoned.

ISSUE 2: Should the Commission grant Pre-Cell Solutions/Family Phone, Inc.'s request for reinstatement of Certificate No. 5265?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, Certificate No. 5265 should be reinstated.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

27**

Docket No. 010359-WU - Notice of appointment of Sumter County as receiver for Magnolia Manor Water Works and cancellation of Certificate No. 495-W.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Jaber

Staff: RGO: Clapp
LEG: Espinoza

ISSUE 1: Should the Commission acknowledge the withdrawal of AquaSource, Inc., as receiver for Magnolia Manor Water Works and the appointment of Sumter County as the successor receiver; and should Certificate No. 495-W be cancelled?

RECOMMENDATION: Yes. The Commission should acknowledge the withdrawal of AquaSource, Inc., as receiver for Magnolia Manor Water Works and the appointment of Sumter County as the successor receiver. Certificate No. 495-W should be canceled effective September 18, 2000.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Because no further action is necessary, this docket should be closed.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

28**

Docket No. 001551-WS - Application for transfer of Certificate Nos. 544-W and 474-S in Highlands County from Highlands Ridge Associates, Inc. to Highlands Ridge Utilities, LLC.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Palecki

Staff: RGO: Johnson, Redemann
ECR: Mailhot
LEG: Crosby, Gervasi

ISSUE 1: Should the transfer of Certificate Nos. 544-W and 474-S from Highlands Ridge Associates, Inc. to Highlands Ridge Utilities, LLC, be approved?

RECOMMENDATION: Yes, the transfer of Certificate Nos. 544-W and 474-S from Highlands Ridge Associates, Inc. to Highlands Ridge Utilities, LLC, should be approved. The utility is current on its 2000 regulatory assessment fees (RAFs) and annual reports. HRA is responsible for remitting its pro rata share of the 2001 RAFs accruing prior to closing to the Commission. Once the closing has occurred, HRU will be responsible for payment of the balance of 2001 RAFs accruing after closing and all future RAFs and annual reports that should be submitted to the Commission. HRU should be put on notice that it is required to maintain the utility's books and records in conformance with the National Association of Regulatory Utility Commissioners (NARUC) Uniform Systems of Accounts (USOA). The utility should submit a statement from its accountant with its 2001 annual report indicating that it has done so. Further, HRU should provide proof that it owns the land upon which the utility's facilities are located or that the utility has continued use of the land by October 29, 2001. A description of the territory being transferred is appended to Attachment A of staff's August 23, 2001 memorandum.

Minutes of
Commission Conference
September 4, 2001

<u>ITEM NO.</u>	<u>CASE</u>
28**	<p>Docket No. 001551-WS - Application for transfer of Certificate Nos. 544-W and 474-S in Highlands County from Highlands Ridge Associates, Inc. to Highlands Ridge Utilities, LLC.</p> <p>(Continued from previous page)</p>
PAA	<p><u>ISSUE 2</u>: Should an acquisition adjustment be included in the calculation of rate base? <u>RECOMMENDATION</u>: No. HRU has not requested an acquisition adjustment and there are no extraordinary circumstances in this case to warrant the inclusion of an acquisition adjustment. Staff recommends that no acquisition adjustment should be included in the calculation of rate base.</p> <p><u>ISSUE 3</u>: Should the rates and charges approved for this utility be continued? <u>RECOMMENDATION</u>: Yes. HRU should continue charging the rates and charges approved for this utility system until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting the change in ownership should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets.</p> <p><u>ISSUE 4</u>: Should this docket be closed? <u>RECOMMENDATION</u>: No. If no timely protest is received to the proposed agency action issue, upon the expiration of the protest period a Consummating Order should be issued. The docket should remain open pending receipt of proof that HRU owns the land upon which the utility's facilities are located or that the utility has continued use of the land. Upon receipt and verification of such proof, the docket should be administratively closed.</p>

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

<u>ITEM NO.</u>	<u>CASE</u>
28A**	<p>Docket No. 010001-EI - Fuel and purchased power cost recovery clause and generating performance incentive factor.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer Jaber</p> <p>Staff: SER: Bohrmann, McNulty ECR: E. Draper LEG: C. Keating</p> <p><u>ISSUE 1:</u> Should the Commission grant Florida Power & Light's (FPL) petition to reduce its fuel factors beginning with bills issued September 28, 2001?</p> <p><u>PRIMARY RECOMMENDATION:</u> Yes. The Commission should authorize FPL to reduce its levelized fuel cost recovery factor to 3.035 cents per kwh, effective from September 28, 2001, to December 31, 2001. The Commission should address FPL's petition as a procedural matter rather than as proposed agency action.</p> <p><u>ALTERNATIVE RECOMMENDATION:</u> No. The Commission should not grant FPL's petition to reduce its fuel factors beginning with bills issued September 28, 2001 because the utility's proposal to reduce rates 1) fails to match the timing of the incurrence of costs with cost recovery, 2) subjects FPL ratepayers to a significant level of unexamined cost exposure, 3) lacks a compelling case for rate impact mitigation, 4) does not adequately address the prospects for future fuel price volatility, and 5) is based on a projected over-recovery which is significantly smaller than the reporting threshold. The Commission should maintain the current FPL fuel rates throughout the remainder of 2001 and apply any over-recovery which may occur towards the balance of the 2000 fuel cost under-recovery.</p> <p><u>ISSUE 2:</u> Should the Commission grant Florida Industrial Power Users Group's petition to reduce Florida Power & Light's fuel factors, including adjustments to refund any over-recovery balance through August 2001, beginning with bills issued October 1, 2001?</p> <p><u>RECOMMENDATION:</u> No.</p>

Minutes of
Commission Conference
September 4, 2001

<u>ITEM NO.</u>	<u>CASE</u>
28A**	Docket No. 010001-EI - Fuel and purchased power cost recovery clause and generating performance incentive factor.

(Continued from previous page)

ISSUE 3: Should the Commission grant Florida Industrial Power Users Group's petition to reduce Florida Power Corporation's (FPC) fuel factors, including adjustments to refund any over-recovery balance through August 2001, beginning with bills issued October 1, 2001?

RECOMMENDATION: No.

ISSUE 4: Should the Commission grant Florida Industrial Power Users Group's petition to reduce TECO's fuel factors, including adjustments to refund any over-recovery balance through August 2001, beginning with bills issued October 1, 2001?

RECOMMENDATION: No.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: No.

DECISION: The recommendations, including the Primary Recommendation in Issue 1, were approved. The Alternative Recommendation in Issue 1 was denied.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

29**PAA

Docket No. 010593-EI - Petition for approval of new environmental program for cost recovery through environmental cost recovery clause by Tampa Electric Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer Deason

Staff: SER: Breman, D. Lee
ECR: Brinkley, D. Draper, E. Draper, Gardner,
P. Lee
LEG: Stern

ISSUE 1: Should the Commission approve TECO's petition for the Gannon Thermal Discharge Study as a new program for cost recovery through the ECRC?

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.

DECISION: The recommendations were approved.

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

Minutes of
Commission Conference
September 4, 2001

ITEM NO.

CASE

30**

Docket No. 980992-WS - Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.
Docket No. 981609-WS - Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

Critical Date(s): None

Commissioners Assigned: Jacobs, Deason, Palecki
Prehearing Officer Deason

Staff: LEG: Harris, Gervasi
ECR: Fletcher, Merchant

ISSUE 1: Should the Commission acknowledge the Withdrawal of Protest of Proposed Agency Action filed by Worthwhile Development II, Ltd. and make Order No. PSC-01-1297-PAA-WS final and effective?

RECOMMENDATION: Yes. The Commission should acknowledge the Withdrawal of Protest of Proposed Agency Action filed by Worthwhile Development II, Ltd. and make Order No. PSC-01-1297-PAA-WS final and effective.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No. Order No. PSC-01-1297-PAA-WS allowed for the administrative closing of these dockets upon Commission staff's verification that the utility has filed revised tariff sheets consistent with Order PSC-01-1297-PAA-WS, and that the utility properly refunded the AFPI charges. Staff has not yet verified this information; therefore, these dockets should remain open. After staff's verification these dockets should be administratively closed.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Palecki

Minutes of
Commission Conference
September 4, 2001

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

31 Docket No. 000731-TP - Petition by AT&T Communications of the Southern States, Inc. d/b/a AT&T for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. pursuant to 47 U.S.C. Section 252.

Critical Date(s): None

Commissioners Assigned: Jacobs, Baez, Palecki
Prehearing Officer Baez

Staff: CMP: Barrett, Fulwood, Hinton
 LEG: Fordham
 RGO: Broussard, Vinson

ISSUE 1: Should the Motions for Reconsideration filed by BellSouth and AT&T be granted?

RECOMMENDATION: No. The Motions for Reconsideration filed by BellSouth and AT&T should not be granted. However, the Order should be corrected as reflected in this recommendation to correct a scrivener's error identified by both parties.

ISSUE 2: Should BellSouth's Motion for Extension of Time for Filing Executed Interconnection Agreement be granted?

RECOMMENDATION: Yes. BellSouth's Motion for Extension of Time for Filing Executed Interconnection Agreement should be granted.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open, pending the filing and approval of the final agreement by this Commission.

DECISION: This item was deferred.

<u>ITEM NO.</u>	<u>CASE</u>
32	<p>Docket No. 991666-WU - Application for amendment of Certificate No. 106-W to add territory in Lake County by Florida Water Services Corporation.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Jaber, Baez, Palecki Prehearing Officer Baez</p> <p>Staff: LEG: Christensen RGO: Messer, Redemann</p> <p><u>ISSUE 1:</u> Should Mr. Tillman and Mr. Mittauer be tendered as expert witnesses, and if so, in what areas? <u>RECOMMENDATION:</u> Staff recommends that the Commission accept Mr. Tillman as an expert in the area of water and wastewater utility management. In Commission practice, a witness's professional and educational qualifications are set forth in his or her prefiled testimony and are accepted unless that witness's expertise is challenged. Thus, the City's additional proffer at the hearing that Mr. Mittauer be accepted as an expert in the field of engineering is unnecessary since his engineering expertise was not challenged. It is clear that based on his education and experience, Mr. Mittauer is a water and wastewater utility engineering expert.</p> <p><u>ISSUE 2:</u> Should the City's Motion to Strike those portions of Mr. Tillman's testimony and exhibits identified at the July 11th hearing be granted? <u>RECOMMENDATION:</u> No. The City's Motion to Strike certain portions of Mr. Tillman's testimony should be denied in its entirety.</p> <p><u>ISSUE 3:</u> Should this docket be closed? <u>RECOMMENDATION:</u> No. This docket should remain open pending the final resolution of the merits of this matter.</p> <p><u>DECISION:</u> The recommendations were approved with modifications made at the conference.</p> <p>Commissioners participating: Jaber, Baez, Palecki</p>