

MINUTES OF SEPTEMBER 16, 2003

COMMISSION CONFERENCE

COMMENCED: 9:35 A.M.

ADJOURNED: 1:05 P.M.

COMMISSIONERS PARTICIPATING: Chairman Jaber
Commissioner Deason
Commissioner Baez
Commissioner Bradley
Commissioner Davidson

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

1Approval of Minutes
August 19, 2003 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO. _____ CASE _____

2**Consent Agenda

PAA A) Application for certificate to provide competitive local exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
030684-TX	Telstar Communications, Inc. d/b/a Telstar Prepaid Services

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

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
030778-TC	Feda Hamdan
030863-TC	Inmate Calling Solutions, LLC

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

DECISION: The recommendation was approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

<u>ITEM NO.</u>	<u>CASE</u>
3**Docket No.	030714-EI - Proposed adoption of Rule 25-6.04364, F.A.C., Electric Utilities Dismantlement Studies.
Critical Date(s):	None
Rule Status:	Proposed
Commissioners Assigned:	Full Commission
Prehearing Officer:	Bradley
Staff:	GCL: Moore ECR: Gardner, Hewitt, P. Lee, Lester
<u>ISSUE 1</u> :	Should the Commission propose Rule 25-6.04364, F.A.C., Electric Utilities Dismantlement Studies?
<u>RECOMMENDATION</u> :	Yes.
<u>ISSUE 2</u> :	Should this docket be closed?
<u>RECOMMENDATION</u> :	Yes. If no requests for hearing or comments are filed, the rule as proposed should be filed for adoption with the Secretary of State and the docket closed.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

<u>ITEM NO.</u>	<u>CASE</u>
4**Docket No.	030715-WS - Proposed amendment of Rule 25-30.140, F.A.C., Depreciation.
Critical Date(s):	None
Rule Status:	Proposed
Commissioners Assigned:	Full Commission
Prehearing Officer:	Bradley
Staff:	GCL: Moore ECR: Gardner, Hewitt, P. Lee, Merchant
<u>ISSUE 1</u> :	Should the Commission amend Rule 25-30.140, F.A.C., Depreciation?
<u>RECOMMENDATION</u> :	Yes.
<u>ISSUE 2</u> :	Should this docket be closed?
<u>RECOMMENDATION</u> :	Yes. If no requests for hearing or comments are filed, the rule as proposed should be filed for adoption with the Secretary of State and the docket closed.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

5**Docket No. 030867-TL - Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.
Docket No. 030868-TL - Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.
Docket No. 030869-TL - Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Bradley

Staff: GCL: B. Keating, Fordham, Christensen, Banks
CCA: Moses
CMP: Simmons

ISSUE 1: Should OPC's Motion(s) to Hold, and to Expedite Scheduling of, Public Hearings be granted?

RECOMMENDATION: The Motions should be granted, in part, and denied, in part, as set forth in the analysis portion of staff's September 9, 2003 memorandum.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No. These dockets should remain open for further proceedings and to address the outstanding Motions to Dismiss.

DECISION: The recommendations were approved with the modification to Issue 1 that (1) a public hearing will be held in Port Charlotte rather than Punta Gorda, and (2) parties will be given a 3-minute time limit for opening statements at each public hearing, with a change in time limit allowed at the presiding officer's discretion.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

6**Docket No. 020738-TP - Petition by AT&T Communications of the Southern States, LLC for suspension and cancellation of BellSouth Telecommunications, Inc.'s Switched Access Contract Tariff No. FL2002-01 for alleged violations of the Telecommunications Act of 1996, rules of the Federal Communications Commission, and Chapter 364, Florida Statutes.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Davidson

Staff: GCL: Fordham
CMP: Barrett

ISSUE 1: Should the Commission acknowledge AT&T's Notice of Voluntary Dismissal of its Petition and its Amended Petition filed in this Docket?

RECOMMENDATION: Yes. The Commission should acknowledge AT&T's Notice of Voluntary Dismissal of its Petition and its Amended Petition filed in this Docket.

ISSUE 2: Should this Docket be closed?

RECOMMENDATION: Yes. There is nothing further in this Docket for this Commission to consider and the Docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

7**PAADocket No. 030828-WS - Complaint Nos. 512346W and 533120W
contesting high water and wastewater bills for December 2002
and April 2003, respectively, filed by Mr. Harold Shriver
against Terra Mar Village Utilities, Inc., in Volusia
County.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CAF: Smith
GCL: Jaeger

ISSUE 1: What is the proper disposition of Complaints Nos.
512346W and 533120W, filed by Mr. Harold Shriver against
Terra Mar Village Utilities, Inc.?

RECOMMENDATION: The Commission should deny both complaints
filed by Mr. Shriver. The meter appears to have started at
zero and has been shown to be accurate, and the rates
charged appear to be correct. Moreover, there was evidence
that Mr. Shriver was having problems with his piping, his
commode, and his washing machine which might account for
excessive usage.

ISSUE 2: Should the 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, a consummating
order should be issued, and the docket closed.

DECISION: This item was deferred.

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

8**PAADocket No. 030462-GU - Petition of Indiantown Gas Company
for approval of transition cost recovery charge and for
approval of final purchased gas adjustment true-up credit.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Baez

Staff: CMP: Makin, Marshall, Bulecza-Banks
GCL: Fleming

ISSUE 1: Should the Commission grant Indiantown Gas
Company's proposal to refund the final PGA overrecovery
balance of \$36,743 to all its customers who received sales
service during 2002?

RECOMMENDATION: Yes. The Commission should approve
Indiantown Gas Company's proposal to refund the final PGA
overrecovery balance of \$36,743 to all its customers who
received sales service during 2002, effective the date of
the Commission's vote in this matter.

ISSUE 2: Should the Commission grant Indiantown Gas
Company's proposal to recover its costs of \$48,986 incurred
in transitioning to transportation service?

RECOMMENDATION: Yes. The Commission should approve
Indiantown Gas Company's proposal to recover its costs of
\$48,986 incurred in transitioning to transportation service,
effective the date of the Commission's vote in this matter.

ISSUE 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: Jaber, Deason, Baez, Bradley, Davidson

ITEM NO.

CASE

9**PAADocket No. 001503-TP - Cost recovery and allocation issues for number pooling trials in Florida. (Deferred from May 20, 2003 conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Baez

Staff: CMP: Ileri, Casey, Bulecza-Banks
GCL: Christensen, Fordham

ISSUE 1: What is the Florida Public Commission jurisdiction regarding cost recovery of state-mandated pooling trial?

RECOMMENDATION: Staff recommends that the Florida Public Service Commission has authority regarding cost recovery of state-mandated pooling trials granted pursuant to Section 251(e) of the Telecommunications Act of 1996, and Sections 364.01, and 364.16(4), Florida Statutes.

ISSUE 2: Does BellSouth's cost recovery petition for state-mandated number pooling trials comply with the filing requirements established pursuant to FPSC Order No. PSC-02-0466-PAA-TP?

RECOMMENDATION: Yes. Staff recommends that BellSouth's cost recovery petition for state-mandated number pooling trials complies with the filing requirements established pursuant to FPSC Order No. PSC-02-0466-PAA-TP.

ISSUE 3: Should BellSouth be allowed to recover its requested carrier-specific costs of \$3,506,844 associated with implementing state-mandated pooling trials?

PRIMARY RECOMMENDATION: No. Staff recommends that BellSouth should be allowed to recover carrier-specific costs of \$2,970,762 associated with implementing state-mandated pooling trials.

ALTERNATIVE RECOMMENDATION: Yes. Staff recommends that BellSouth should be allowed to recover its requested carrier-specific costs of \$3,506,844 associated with implementing state-mandated pooling trials.

ISSUE 4: If the FPSC approves cost recovery for BellSouth for state-mandated number pooling trials, how should BellSouth recover its carrier-specific costs associated with state-mandated number pooling trials?

ITEM NO.

CASE

9**PAA

Docket No. 001503-TP - Cost recovery and allocation issues for number pooling trials in Florida. (Deferred from May 20, 2003 conference; revised recommendation filed.)

(Continued from previous page)

RECOMMENDATION: If the FPSC approves cost recovery for BellSouth for state-mandated number pooling trials, staff recommends that BellSouth recover its carrier-specific costs associated with state-mandated number pooling trials through a one-time charge assessed on all of BellSouth's Florida end-user lines in service as of June 30, 2003. Equivalency factors regarding end-user lines should be the same as those used for local number portability cost recovery. BellSouth should submit its final calculation of the end-user line charge to staff at least 30 days prior to putting any assessment on customer bills. Staff should be allowed to approve the calculation of the final assessment administratively; however, any material difference between the estimated one-time charge and the final assessment should be brought before the FPSC for approval.

ISSUE 5: If the Commission approves cost recovery for state-mandated pooling trials for BellSouth, what type of notice should be given to customers, and what should the charge be called?

RECOMMENDATION: Staff recommends that if the Commission approves cost recovery for state-mandated pooling trials for BellSouth, BellSouth should provide notice to customers using a bill insert at least 30 days prior to the bill containing the charge, and include language as provided in the analysis portion of staff's September 4, 2003 memorandum. Staff also recommends that the end-user charge be stated as "One-Time BellSouth Florida Number Pooling Cost Recovery Charge." The final draft of the bill insert and line item charge should be submitted to staff for approval prior to use. BellSouth should also provide a toll-free telephone number for customers who have questions concerning this charge, and have service representatives available who can respond to questions regarding Florida number pooling.

ISSUE 6: Should this docket be closed?

RECOMMENDATION: No. If no person whose substantial interests are affected by the proposed agency action files a

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

9**PAA

Docket No. 001503-TP - Cost recovery and allocation issues for number pooling trials in Florida. (Deferred from May 20, 2003 conference; revised recommendation filed.)

(Continued from previous page)

protest within 21 days of the issuance of the order, this order will become final upon issuance of a consummating order. Staff recommends that this docket should remain open pending review of cost recovery petitions from other carriers.

DECISION: The recommendations were approved (primary in Issue 3) with the caveat to Issue 5 that the company is to work with staff on its bill-insert notice to ensure the notice language is adequate for customer understanding and the notice will fit on the bill so no additional costs will be incurred, and that "one-time number pooling cost recovery charge" be referred to on the notice as "area code conservation charge."

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

10**PAADocket No. 030618-TX - Compliance investigation of United States Telecommunications, Inc. d/b/a Tel Com Plus for apparent violation of Rule 25-22.032(5)(a), F.A.C., Customer Complaints, and 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: Buys
GCL: Rojas
CAF: Lowery

ISSUE 1: Should the Commission impose a penalty of \$10,000 per apparent violation, for a total of \$20,000, on United States Telecommunications, Inc. d/b/a Tel Com Plus for two apparent violations of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints, to be paid to the Florida Public Service Commission within 14 calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If United States Telecommunications, Inc. d/b/a Tel Com Plus fails to timely protest the Commission's Order and fails to pay the \$20,000 penalty within 14 calendar days after the issuance of the Consummating Order, Certificate No. 5586 should be canceled and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

ISSUE 2: Should the Commission impose a \$1,000 penalty on United States Telecommunications, Inc. d/b/a Tel Com Plus or cancel Certificate No. 5586 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.835, Florida Administrative Code, Rules Incorporated, to be paid to the Florida Public Service Commission within 14 calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If United States Telecommunications, Inc. d/b/a Tel Com Plus fails to timely protest the Commission's Order and fails to pay the \$1,000 penalty and

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

10**PAA

Docket No. 030618-TX - Compliance investigation of United States Telecommunications, Inc. d/b/a Tel Com Plus for apparent violation of Rule 25-22.032(5)(a), F.A.C., Customer Complaints, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

the Regulatory Assessment Fees, including statutory penalty and interest charges, within 14 calendar days after the issuance of the Consummating Order, Certificate No. 5586 should be canceled, and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida. If the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received in accordance with the Commission's Order, the collection of the past due fees should be referred to the Department of Financial Services for further collection efforts.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: 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. If the Commission's Order is not protested, this docket should be closed upon receipt of the payment of the penalties and fees or the cancellation of the company's certificate.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

11**PAADocket No. 030795-TX - Compliance investigation of Hosting-Network, Inc. for apparent violation of Rules 25-22.032(5)(a), F.A.C., Customer Complaints, 25-24.835, F.A.C., Rules Incorporated, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Watts
CAF: Lowery
GCL: Dodson, Susac

ISSUE 1: Should the Commission impose a penalty on Hosting-Network, Inc. of \$10,000 per apparent violation, for a total of \$50,000, for the five apparent violations of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints, to be paid to the Florida Public Service Commission within 14 calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Hosting-Network, Inc. fails to timely protest the Commission's Order and fails to pay the \$50,000 penalty within 14 calendar days after the issuance of the Consummating Order, Certificate No. 7840 should be canceled and the company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

ISSUE 2: Should the Commission impose a \$500 penalty on Hosting-Network, Inc. for apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated, to be paid to the Florida Public Service Commission within 14 calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Hosting-Network, Inc. fails to timely protest the Commission's Order and fails to pay the \$500 penalty within 14 calendar days after the issuance of the Consummating Order, Certificate No. 7840 should be canceled and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

ITEM NO.

CASE

11**PAA

Docket No. 030795-TX - Compliance investigation of Hosting-Network, Inc. for apparent violation of Rules 25-22.032(5)(a), F.A.C., Customer Complaints, 25-24.835, F.A.C., Rules Incorporated, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

ISSUE 3: Should the Commission impose a \$500 penalty on Hosting-Network, Inc. or cancel Certificate No. 7840 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25.24.835, Florida Administrative Code, Rules Incorporated, to be paid to the Florida Public Service Commission within 14 calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Hosting-Network, Inc. fails to timely protest the Commission's Order and fails to pay the \$500 penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, within 14 calendar days after the issuance of the Consummating Order, Certificate No. 7840 should be canceled, and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida. If the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received in accordance with the Commission's Order, the collection of the past due fees should be referred to the Department of Financial Services for further collection efforts.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: 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. If the

Minutes of
Commission Conference
September 16, 2003

<u>ITEM NO.</u>	<u>CASE</u>
11**PAA	Docket No. 030795-TX - Compliance investigation of Hosting-Network, Inc. for apparent violation of Rules 25-22.032(5)(a), F.A.C., Customer Complaints, 25-24.835, F.A.C., Rules Incorporated, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

Commission's Order is not protested, this docket should be closed upon receipt of the payment of the penalties and fees or the cancellation of the company's certificate.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

12**PAACancellation by Florida Public Service Commission of CLEC certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.835, F.A.C., Rules Incorporated.

Docket No. 030616-TX - Advent Consulting and Technology, Inc.
Docket No. 030617-TX - Direct-Tel USA, LLC
Docket No. 030626-TX - SATCOM Communication Corporation d/b/a SATCOM Communication
Docket No. 030627-TX - Quantum Phone Communications, L.L.C.
Docket No. 030633-TX - Phantom Networks, Inc.
Docket No. 030657-TX - R & D Network Services, Inc.
Docket No. 030664-TX - Bar-Lyn Enterprises Inc d/b/a Swiftphone
Docket No. 030673-TX - F.J.M.R. Investments, Inc. d/b/a Sunshines Communications Network
Docket No. 030615-TX - COMUSA, Inc.
Docket No. 030630-TX - New Connects, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
GCL: Dodson, Christensen

ISSUE 1: Should the Commission impose a total penalty of \$1,000 (\$500 for each rule violation) or cancel each company's respective certificate, as listed on Attachment A of staff's September 4, 2003 memorandum, for apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated?

RECOMMENDATION: The Commission should impose a total penalty of \$1,000 (\$500 for the RAFs violation and \$500 for the Reporting Requirements violation) or cancel each company's respective certificate, as listed on Attachment A of staff's September 4, 2003 memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, if

ITEM NO.

CASE

12**PAA

Cancellation by Florida Public Service Commission of CLEC certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.835, F.A.C., Rules Incorporated.

(Continued from previous page)

the penalty, Regulatory Assessment Fees, including statutory penalty and interest charges, and the information required by Rule 25-24.480, Florida Administrative Code, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The total penalty of \$1,000 should be paid to the Florida Public Service Commission. If a company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, and required information are not received, that company's certificate, as listed on Attachment A of staff's memorandum, should be cancelled administratively and the collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If a company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing competitive local exchange service in Florida.

ISSUE 2: Should the Commission impose a total penalty of \$1,500 (\$1,000 for RAFs violation and \$500 for reporting requirements violation) or cancel each company's respective certificate, as listed on Attachment B of staff's September 4, 2003 memorandum, for apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated?

RECOMMENDATION: The Commission should impose a total penalty of \$1,500 (\$1,000 for RAFs violation and \$500 for reporting requirements violation) or cancel each company's respective certificate, as listed on Attachment B of staff's memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, if the penalty, Regulatory Assessment Fees, including statutory penalty and interest charges, and the information required by Rule 25-24.480,

ITEM NO.

CASE

12**PAA

Cancellation by Florida Public Service Commission of CLEC certificates for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.835, F.A.C., Rules Incorporated.

(Continued from previous page)

Florida Administrative Code, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The total penalty of \$1,500 should be paid to the Florida Public Service Commission. If a company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, and required information are not received, that company's certificate, as listed on Attachment B, should be cancelled administratively and the collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If a company's certificate, as listed on Attachment B, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing competitive local exchange service in Florida.

ISSUE 3: Should these dockets be closed?

RECOMMENDATION: The Orders issued from these recommendations will become final upon issuance of Consummating Orders, 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 Orders. The dockets should then be closed upon receipt of the penalties, fees, and required information or cancellation of each company's respective 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: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

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

Docket No. 030622-TX - Sun-Tel USA, Inc.
Docket No. 030624-TX - TelSouth Communications, Inc.
Docket No. 030628-TX - Baytel Communications, Inc.
Docket No. 030659-TX - DSL Internet Corporation d/b/a DSLi
Docket No. 030660-TX - MYCOMP INS AGENCY CORP.
Docket No. 030661-TX - CeriStar, Inc.
Docket No. 030662-TX - Intertoll Communications Network Corporation
Docket No. 030663-TX - M/C Southern Communications, Inc.
Docket No. 030672-TX - Adventist Health System/Sunbelt, Inc. d/b/a Florida Hospital Medical Center
Docket No. 030620-TX - Intercontinental Communications Group, Inc. d/b/a Fusion Telecom

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Administrative

Staff: CMP: Isler
GCL: McKay, Rojas

ISSUE 1: Should the Commission impose a \$500 penalty or cancel each company's respective certificate, as listed on Attachment A of staff's September 4, 2003 memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: The Commission should impose a \$500 penalty or cancel each company's respective certificate, as listed on Attachment A of staff's memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should be paid to the Florida Public Service Commission. If a company does not protest the Commission's Order or the penalty and

ITEM NO.

CASE

13**PAA

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

(Continued from previous page)

Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, that company's certificate, as listed on Attachment A, should be cancelled administratively and the collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If a company's certificate, as listed on Attachment A, is cancelled in accordance with the Commission's Order from this recommendation, the respective company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

ISSUE 2: Should the Commission impose a \$1,000 penalty or cancel Intercontinental Communications Group, Inc. d/b/a Fusion Telecom's CLEC Certificate No. 5799, as listed on Attachment B of staff's September 4, 2003 memorandum, for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: The Commission should impose a \$1,000 penalty or cancel Intercontinental Communications Group, Inc. d/b/a Fusion Telecom's CLEC Certificate No. 5799, as listed on Attachment B, for apparent violation of Rule 25-4.0161, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should be paid to the Florida Public Service Commission. If the company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, the company's certificate, as listed on Attachment B, should be cancelled administratively and the collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If the company's certificate, as listed on Attachment B, is cancelled in accordance with the

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

13**PAA

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

(Continued from previous page)

Commission's Order from this recommendation, Intercontinental Communications Group, Inc. d/b/a Fusion Telecom should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

ISSUE 3: Should these dockets be closed?

RECOMMENDATION: The Orders issued from these recommendations will become final upon issuance of Consummating Orders, 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 Orders. The dockets should then be closed upon receipt of the penalty and fees or cancellation of each company's respective certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

DECISION: The recommendations were approved with the exception of Docket No. 030624-TX, which was deferred.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

14**PAA Docket No. 030613-TA - Cancellation by Florida Public Service Commission of AAV Certificate No. 2961 issued to Commercial Communications Systems, 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
GCL: McKay

ISSUE 1: Should the Commission grant Commercial Communications Systems, Inc. a voluntary cancellation of AAV Certificate No. 2961?

RECOMMENDATION: The Commission should not grant the company a voluntary cancellation of its AAV certificate. The Commission should cancel the company's AAV Certificate No. 2961 on its own motion, effective July 11, 2003. The collection of the past due fees should be referred to the Florida Department of Financial Services for further collection efforts. If the certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing alternative access vendor service in Florida.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: 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 issuance of a Consummating Order.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
 Commission Conference
 September 16, 2003

ITEM NO. CASE

15**PAADocket No. 030048-GU - 2003 depreciation study for
 Indiantown Gas Company.

Critical Date(s): None

Commissioners Assigned: Full Commission
 Prehearing Officer: Deason

Staff: ECR: P. Lee
 AUS: Mills
 GCL: Jaeger

ISSUE 1: Should the current depreciation rates for
 Indiantown Gas Company, Inc. be changed?

RECOMMENDATION: Yes. A review of the company's current
 capital recovery position indicates the need to revise the
 current prescribed depreciation rates.

ISSUE 2: What should be the date of implementation for
 revised depreciation rates and capital recovery schedules?

RECOMMENDATION: Staff recommends approval of the company's
 proposed January 1, 2003, date of implementation for revised
 depreciation rates and recovery schedules.

ISSUE 3: Should any corrective reserve measures be made?

RECOMMENDATION: Yes. Staff recommends the following
 corrective measures be made to the reserve:

Account	Book Reserve	Recommended Transfers	Restated Reserve
	(\$)	(\$)	(\$)
376 - Mains - Steel	151,849	85,637	237,486
376 - Mains - Plastic	156,530	(85,637)	70,893
380 - Services - Plastic	30,599	(9,586)	21,013
378 - M&R Equip. - General	(1,958)	9,586	7,628
391 - Office Furniture	10,378	(6,906)	3,472
Computer Equipment	13,211	6,906	20,117
392 - Transportation Equipment	85,084	(2,486)	82,598
397 - Communication Equipment	(1,416)	2,486	1,070
Total	444,277	0	444,277

Minutes of
Commission Conference
September 16, 2003

<u>ITEM NO.</u>	<u>CASE</u>
15**PAA	Docket No. 030048-GU - 2003 depreciation study for Indiantown Gas Company. (Continued from previous page) <u>ISSUE 4</u> : What are the appropriate depreciation rates and recovery schedules for IGC? <u>RECOMMENDATION</u> : The staff-recommended remaining lives, net salvage values, reserve positions, and resultant depreciation rates and recovery schedules are shown on Attachment A of staff's September 4, 2003 memorandum. These recommendations result in a decrease in annual depreciation expense of about \$1,500, based on January 1, 2003, investments and reserves as shown on Attachment B of staff's memorandum. <u>ISSUE 5</u> : Should this docket be closed? <u>RECOMMENDATION</u> : 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: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

16**PAADocket No. 030065-GU - Request for approval of new depreciation rates effective January 1, 2003, by St. Joe Natural Gas Company, Inc.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: ECR: Gardner
AUS: Mills
GCL: Vining

ISSUE 1: Should the currently prescribed depreciation rates of St. Joe Natural Gas Company be changed?

RECOMMENDATION: Yes. A comprehensive review of St. Joe Natural Gas Company's planning and activity since the prior depreciation filing indicates a need for a revision in the currently prescribed depreciation rates.

ISSUE 2: What should be the date of implementation for the new depreciation rates?

RECOMMENDATION: Staff recommends approval of the company's proposed January 1, 2003, date of implementation for the new depreciation rates.

ISSUE 3: Should any corrective reserve allocations between accounts be made?

RECOMMENDATION: Yes. Staff recommends the reserve allocations shown on Attachment A of staff's September 4, 2003 memorandum. These allocations bring each account more in line with its theoretically correct reserve level.

ISSUE 4: What are the appropriate remaining lives, net salvage, reserve amounts, and resultant depreciation rates for SJNG?

RECOMMENDATION: The staff's recommended remaining lives, net salvage values, reserves, and resultant rates are shown on Attachment B of staff's September 4, 2003 memorandum. The rates, based upon actual investments as of December 31, 2002, would result in a decrease in annual expenses of about \$10,000 as summarized on Attachment C of staff's memorandum.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected by the proposed agency action files a protest

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

16**PAA

Docket No. 030065-GU - Request for approval of new depreciation rates effective January 1, 2003, by St. Joe Natural Gas Company, Inc.

(Continued from previous page)

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: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

17**Docket No. 020404-EQ - Petition for approval of plan to share risks of Bay County qualifying facility contract modification by Florida Power Corporation. (Deferred from September 3, 2002 conference; revised recommendation filed.)

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: ECR: Harlow, Bohrmann
GCL: C. Keating

ISSUE 1: Should the Commission acknowledge Progress Energy's Notice of Voluntary Withdrawal of its Petition for Approval of its Plan to Share the Risks of the Bay County Contract Modification?

RECOMMENDATION: Yes. The unusual nature of the original Bay County contract does not lend itself to the application of a sharing plan which equitably shares the risks among ratepayers and shareholders. Acknowledging Progress Energy's Notice of Voluntary Withdrawal does not preclude Progress Energy from filing sharing plan proposals with future cogeneration contract restructurings.

ISSUE 2: Should this docket be closed?

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

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

18**PAA Docket No. 030459-EQ - Petition of Progress Energy Florida, Inc. for approval of amendment to existing cogeneration contract with Lake Cogen, Ltd.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehearing Officer: Deason

Staff: ECR: Colson, Baxter, Sickel
GCL: Brown

ISSUE 1: Should the Commission approve the Letter Agreement between Progress Energy Florida, Inc. (PEF) and Lake Cogen, Ltd. (Lake) which modifies the Negotiated Contract for Purchase of Firm Capacity and Energy from a Qualifying Facility between Lake and Florida Power Corporation (FPC) n/k/a PEF, dated March 13, 1991?

RECOMMENDATION: Yes. The proposed amendment will provide greater operational flexibility to both Lake and PEF, and it will minimize the purchase of energy by PEF from Lake during off-peak periods when less expensive energy is available. The amendment is expected to save PEF ratepayers approximately \$11.0 million over the remaining term of the contract.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no protest is filed within 21 days of the issuance of the PAA order, this docket should be closed upon the issuance of a Consummating Order.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

19**PAADocket No. 030106-SU - Application for staff-assisted rate case in Lee County by Environmental Protection Systems of Pine Island, Inc.

Critical Date(s): 6/30/04 (SARC 15-month effective date)

Commissioners Assigned: Full Commission
Prehearing Officer: Baez

Staff: ECR: Merta, Massoudi
GCL: Brubaker

ISSUE 1: Is the quality of service provided by EPS considered satisfactory?

RECOMMENDATION: Yes. The quality of service provided by EPS should be considered satisfactory. It is recommended that a local emergency phone number, which can be easily seen, be posted at each lift station. The emergency phone number should be posted at all locations no later than 90 days from the date of the Consummating Order for this rate case.

ISSUE 2: Should the Commission approve a projected year-end test year for this utility?

RECOMMENDATION: Yes. The Commission should approve a projected year-end test year for EPS to allow it an opportunity to earn a fair return on the increase in plant-in-service and expenses caused by EPS's interconnection with PIRTS, which is projected to occur in 2003, as well as to provide compensatory rates in this rate case. Therefore, a projected year-end test year ending December 31, 2003, should be approved.

ISSUE 3: What portions of the utility's plant and collection system are used and useful?

RECOMMENDATION: The utility wastewater treatment plant should be considered 41.7% used and useful. The wastewater collection system should be considered 98.9% used and useful and the lift station (pro forma) should be considered 72.9% used and useful.

ISSUE 4: Should the interconnection with PIRTS be considered prudent?

RECOMMENDATION: Yes. The interconnection with PIRTS should be considered prudent.

ITEM NO.

CASE

19**PAA

Docket No. 030106-SU - Application for staff-assisted rate case in Lee County by Environmental Protection Systems of Pine Island, Inc.

(Continued from previous page)

ISSUE 5: What is the appropriate treatment of the sale and early retirement of utility property?

RECOMMENDATION: The appropriate amount of the gain on the sale of land is \$40,600. The appropriate amount of the early retirement loss associated with the utility's interconnection is \$43,919. The gain on land should be netted with the loss on early retirement and the \$3,319 net loss should be amortized above the line over a five-year period which results in an annual increase to expenses of \$664.

ISSUE 6: What is the appropriate test year rate base for the utility?

RECOMMENDATION: The appropriate test year rate base for the utility is \$820,734. On a prospective basis, the utility should use the depreciation rates prescribed in Rule 25-30.140, Florida Administrative Code. The utility should be required to complete the construction and interconnection within nine months of the issuance date of the Consummating Order.

ISSUE 7: 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 is 11.96% with a range of 10.96% - 12.96%. The appropriate overall rate of return for the utility is 6.25%.

ISSUE 8: What is the appropriate projected test year revenue?

RECOMMENDATION: The appropriate projected test year revenue for this utility is \$70,829 for wastewater.

ISSUE 9: What is the appropriate amount of operating expense?

RECOMMENDATION: The appropriate amount of operating expense for this utility is \$175,602.

ISSUE 10: What is the appropriate revenue requirement?

RECOMMENDATION: The appropriate revenue requirement is \$226,898 for wastewater.

ITEM NO.

CASE

19**PAA

Docket No. 030106-SU - Application for staff-assisted rate case in Lee County by Environmental Protection Systems of Pine Island, Inc.

(Continued from previous page)

ISSUE 11: What are the appropriate rate structure, billing cycle, and rates for the system?

RECOMMENDATION: The appropriate rate structure for this system is the base facility charge/gallongage charge rate structure. Customers should be billed on a monthly basis. The recommended rates should be designed to produce revenue of \$226,898, as shown in the analysis portion of staff's September 4, 2003 memorandum. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), Florida Administrative Code. 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.

ISSUE 12: What is the appropriate amount by which rates should be reduced four years after the established effective date to reflect the removal of the amortized rate case expense?

RECOMMENDATION: The wastewater rates should be reduced as shown on Schedule No. 4 of staff's September 4, 2003 memorandum, to remove rate case expense grossed up for regulatory assessment fees and amortized over a four-year period. The decrease in rates should become effective immediately following the expiration of the four-year rate case expense recovery period, pursuant to Section 367.0816, Florida Statutes. The utility should be required to file revised tariffs and a proposed customer notice setting forth the lower rates and the reason for the reduction no later than one month prior to the actual date of the required rate reduction. If the utility files this reduction in conjunction with a price index or pass-through rate adjustment, separate data should be filed for the price index and/or pass-through increase or decrease and the reduction in the rates due to the amortized rate case expense.

ITEM NO.

CASE

19**PAA

Docket No. 030106-SU - Application for staff-assisted rate case in Lee County by Environmental Protection Systems of Pine Island, Inc.

(Continued from previous page)

ISSUE 13: Should the utility's service availability charges be revised?

RECOMMENDATION: Yes. The utility's service availability charges should be revised to include a Customer Connection Charge (paid to PIRTS) of \$1,388 for home sites and \$694 for RV sites. One-half of these connection charges should be credited to CIAC when they are collected from the customer. The Plant Capacity Charge should be removed. Further, there should be a hookup charge of \$199 per ERC for the costs of the pro forma lift station upgrades. The utility should file revised tariff sheets which are consistent with the Commission's vote within one month of the Commission's final vote. The revised tariff sheets should be approved upon staff's verification that the tariffs are consistent with the Commission's decision. If revised tariff sheets are filed and approved, the service availability charges should become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed.

ISSUE 14: Should the utility be authorized to collect late payment fees, and if so what are the appropriate charges?

RECOMMENDATION: Yes. The utility should be authorized to collect a \$5.00 late fee. The utility should file revised tariff sheets which are consistent with the Commission's vote within one month of the Commission's final vote. The revised tariff sheets should be approved upon staff's verification that the tariffs are consistent with the Commission's decision. If revised tariff sheets are filed and approved, the late payment fee should become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed and provided customers have been noticed.

ISSUE 15: Should the utility be authorized to collect miscellaneous service charges, and if so, what are the appropriate charges?

ITEM NO.

CASE

19**PAA

Docket No. 030106-SU - Application for staff-assisted rate case in Lee County by Environmental Protection Systems of Pine Island, Inc.

(Continued from previous page)

RECOMMENDATION: Yes. The utility should be authorized to collect miscellaneous service charges as recommended in the analysis portion of staff's September 4, 2003 memorandum. The utility should file revised tariff sheets which are consistent with the Commission's vote within one month of the Commission's final vote. The revised tariff sheets should be approved upon staff's verification that the tariffs are consistent with the Commission's decision. If revised tariff sheets are filed and approved, the miscellaneous service charges should become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed.

ISSUE 16: What are the appropriate customer deposits for this utility?

RECOMMENDATION: The appropriate customer deposits should be as specified in the analysis portion of staff's September 4, 2003 memorandum. The utility should file revised tariff sheets which are consistent with the Commission's vote within one month of the Commission's final vote. The revised tariff sheets should be approved upon staff's verification that the tariffs are consistent with the Commission's decision. If revised tariff sheets are filed and approved, the customer deposits should become effective for connections made on or after the stamped approval date of the revised tariff sheets, if no protest is filed.

ISSUE 17: Should EPS be authorized to collect wastewater AFPI charges, and if so, what are the appropriate charges?

RECOMMENDATION: Yes. EPS should be authorized to collect wastewater AFPI charges. The appropriate AFPI charges should be those recommended in the analysis portion of staff's September 4, 2003 memorandum. The wastewater AFPI charges should be effective on January 1, 2004, provided future customers have been noticed pursuant to Rule 25-30.475(2), Florida Administrative Code. In no event should the rates be effective for services rendered prior to the stamped approval date.

ITEM NO.

CASE

19**PAA

Docket No. 030106-SU - Application for staff-assisted rate case in Lee County by Environmental Protection Systems of Pine Island, Inc.

(Continued from previous page)

ISSUE 18: Should the recommended rates be approved for the utility on a temporary basis, subject to refund, in the event of a protest filed by a party other than the utility?

RECOMMENDATION: Yes. Pursuant to Section 367.0814(7), Florida Statutes, the recommended rates should be approved for the utility on a temporary basis, subject to refund, in the event of a protest filed by a party other than the utility. Prior to implementation of any temporary rates, the utility should provide appropriate security. If the recommended rates are approved on a temporary basis, the rates collected by the utility should be subject to the refund provisions discussed in the analysis portion of staff's September 4, 2003 memorandum. In addition, after the increased rates are in effect, pursuant to Rule 25-30.360(7), Florida Administrative Code, the utility should file reports with the Division of the Commission Clerk and Administrative Services no later than 20 days after each monthly billing. These reports should indicate the amount of revenue collected under the increased rates subject to refund.

ISSUE 19: 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 a Consummating Order. However, this docket should remain open for an additional ten months from the Consummating Order to allow staff to verify completion of pro forma items as described in Issue No. 6. Once staff has verified that this work has been completed, the docket should be closed administratively.

DECISION: The recommendations were approved with the modification to Issue 5 that the gain on sale of land will not be recognized as an offset.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

<u>ITEM NO.</u>	<u>CASE</u>
20**Docket No.	030471-WS - Application for transfer of Certificate Nos. 598-W and 513-S in Polk County from Bieber Enterprises, Inc. d/b/a Breeze Hill Utilities to Cal Clair, Inc. d/b/a Breeze Hill Utility.
	Critical Date(s): None
	Commissioners Assigned: Full Commission Prehearing Officer: Baez
	Staff: ECR: Brady, Jones GCL: Holley
	<u>ISSUE 1</u> : Should the transfer of Certificate Nos. 598-W and 513-S from Bieber Enterprises, Inc. d/b/a Breeze Hill Utilities to Cal Clair, Inc. d/b/a Breeze Hill Utility be approved?
	<u>RECOMMENDATION</u> : Yes. The transfer is in the public interest and should be approved. The territory authorized for Certificate Nos. 598-W and 513-S is described in Attachment A of staff's September 4, 2003 memorandum. The buyer is responsible for filing the utility's 2003 annual report and remitting regulatory assessment fees from May 1, 2003 through December 31, 2003 in the time frame and manner prescribed by Commission rules.
PAA	<u>ISSUE 2</u> : What is the rate base for Bieber Enterprises, Inc.'s water and wastewater systems at the time of the transfer?
	<u>RECOMMENDATION</u> : The rate base is \$68,257 for water and \$45,552 for wastewater as of December 31, 2001 as previously established by Order No. PSC-02-1114-PAA-WS.
PAA	<u>ISSUE 3</u> : Should a positive acquisition adjustment be approved?
	<u>RECOMMENDATION</u> : No. A positive acquisition adjustment should not be included in the calculation of rate base for transfer purposes.
	<u>ISSUE 4</u> : Should the utility's existing rates and charges be continued?
	<u>RECOMMENDATION</u> : Yes. The existing rates and charges for the utility should be continued until authorized to change by the Commission in a subsequent proceeding. The tariff sheets reflecting the transfer should be effective for

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

20**

Docket No. 030471-WS - Application for transfer of Certificate Nos. 598-W and 513-S in Polk County from Bieber Enterprises, Inc. d/b/a Breeze Hill Utilities to Cal Clair, Inc. d/b/a Breeze Hill Utility.

(Continued from previous page)

services rendered or connections made on or after the stamped approval date.

ISSUE 5: Should this docket be closed?

RECOMMENDATION: Yes. If no timely protest is received to the proposed agency action issues on rate base and acquisition adjustment, a Consummating Order should be issued upon the expiration of the protest period closing the docket.

DECISION: The recommendations were approved.

Commissioners participating: Jaber, Deason, Baez, Bradley, Davidson

ITEM NO.

CASE

21Docket No. 020960-TP - Petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by DIECA Communications, Inc. d/b/a Covad Communications Company.

Critical Date(s): None

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

Staff: CMP: T. Brown, Broussard, J. Brown, Muskovac,
Vickery,
GCL: Fordham, Rojas

ISSUE 1: If a change of law, subject to appeal, eliminates one or more of Verizon's obligations to provide unbundled network elements or other services required under the Act and the Agreement resulting from this proceeding, when should that change of law provision be triggered?

RECOMMENDATION: A change in law should be implemented when the law takes effect, unless it is stayed by a court or commission having jurisdiction.

ISSUE 2: What time limit should apply to the Parties' rights to assess previously unbilled charges for services rendered?

ISSUE 9: Should the anti-waiver provisions of the Agreement be altered in light of the resolution of Issue 2?

RECOMMENDATION:

ISSUE 2: The five-year statute of limitations in Florida Statutes § 95.11(2)(b) should apply to the Parties' rights to assess previously unbilled charges for services rendered.

ISSUE 9: In light of the resolution of Issue 2, the anti-waiver provisions of the Agreement should not be altered.

ISSUE 4: When the Billing Party disputes a claim filed by the Billed Party, how much time should the Billing Party have to provide a position and explanation thereof to the Billed Party?

RECOMMENDATION: Staff believes this issue addresses a performance metric and should not be incorporated as part of the interconnection agreement between the parties. The appropriate venue for modifying Verizon's performance metrics is Docket No. 000121C-TP.

ITEM NO.

CASE

21

Docket No. 020960-TP - Petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by DIECA Communications, Inc. d/b/a Covad Communications Company.

(Continued from previous page)

ISSUE 5: When Verizon calculates the late payment charges due on disputed bills (where it ultimately prevails on the dispute), should it be permitted to assess the late payment charges for the amount of time exceeding thirty days that it took to provide Covad a substantive response to the dispute?

RECOMMENDATION: As discussed in Issue 4, staff believes setting time limits relating to billing disputes addresses a performance metric and should not be incorporated as part of the interconnection agreement between the parties.

Therefore, as no measure has been established, there cannot be a remedy, i.e., placing limits on Verizon's ability to assess late payment charges. Any such remedy or penalty should be established under industry-wide performance measurements and performance assurance plans in Docket No. 000121C-TP.

ISSUE 7: For service-affecting disputes, should the parties be required to employ arbitration under the rules of the American Arbitration Association, and if so, should the normal period of negotiations that must occur before invoking dispute resolution be shortened?

RECOMMENDATION: No. An arbitration provision in an agreement is an option to which the parties may agree, but it may not be imposed against the wishes of any party.

ISSUE 8: Should Verizon be permitted to terminate this Agreement as to any exchanges or territory that it sells to another party?

RECOMMENDATION: Yes. Verizon should be permitted to terminate this Agreement as to any exchanges or territory that it sells to another party.

ISSUE 10: Should the Agreement include language addressing whether Covad can bring a future action against Verizon for violation of section 251 of the Act?

RECOMMENDATION: No. The Agreement should not include language addressing whether Covad can bring a future action against Verizon for violation of section 251 of the Act.

ITEM NO.

CASE

21

Docket No. 020960-TP - Petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by DIECA Communications, Inc. d/b/a Covad Communications Company.

(Continued from previous page)

ISSUE 12: What language should be included in the Agreement to describe Verizon's obligation to provide Covad with nondiscriminatory access to the same information about Verizon's loops that Verizon makes available to itself, its affiliates and third parties?

RECOMMENDATION: No additional language regarding this issue should be ordered to be included in the parties' interconnection agreement.

ISSUE 13: In what interval should Verizon be required to return Local Service Confirmations to Covad for pre-qualified Local Service Requests submitted mechanically and for Local Service Requests submitted manually?

RECOMMENDATION: Verizon should be required to provide Local Service Confirmations (LSCs) to Covad based on the requirements of the Commission's order in Docket No. 000121C-TP. Furthermore, those intervals should not be required to be inserted as part of the interconnection agreement between Covad and Verizon. Staff notes that if Covad believes that the intervals set in Order No. PSC-03-0761-PAA-TP are inappropriate, Covad is encouraged to participate in future performance measure reviews. The appropriate venue for modifying Verizon's performance metrics is Docket No. 000121C-TP.

ISSUE 19: Do Verizon's obligations under Applicable Law to provide Covad with nondiscriminatory access to UNEs and UNE combinations require Verizon to build facilities in order to provision Covad's UNE and UNE combination orders?

ISSUE 24: Should Verizon relieve loop capacity constraints for Covad to the same extent as it does so for its own customers? (Subsumed within Issue 19.)

ISSUE 25: Should Verizon provision Covad DS-1 loops with associated electronics needed for such loops to work, if it does so for its own end users? (Subsumed within Issue 19.)

RECOMMENDATION: Verizon is required to perform the same routine network modifications for CLECs that it regularly

ITEM NO.

CASE

21

Docket No. 020960-TP - Petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by DIECA Communications, Inc. d/b/a Covad Communications Company.

(Continued from previous page)

performs for its retail customers; however, this does not include constructing new cables for a specific CLEC.

ISSUE 22: What appointment window should apply to Verizon's installation of loops? What penalty, if any, should apply if Verizon misses the appointment window, and under what circumstances?

RECOMMENDATION: Covad should be offered the same appointment window for the installation of loops as Verizon provides for itself. Verizon should not be ordered to pay a penalty to Covad for missed appointment windows. Any such penalty should be established under industry-wide performance measurements and performance assurance plans in Docket No. 000121C-TP. Staff notes that if Covad believes that the intervals set in Order No. PSC-03-0761-PAA-TP are inappropriate, Covad is encouraged to participate in future performance measure reviews. The appropriate venue for modifying Verizon's performance metrics is Docket No. 000121C-TP.

ISSUE 23: What technical references should be included in the Agreement for the definition of the ISDN and HDSL loops?

RECOMMENDATION: The agreement should reference Verizon's Technical Reference 72575.

ISSUE 27: What are Covad's obligations under Applicable Law, if any, to notify Verizon of services it is deploying on UNE loops?

RECOMMENDATION: Staff recommends that Verizon should be allowed to charge Covad for the loop conversions that it performs for Covad.

ISSUE 30: Should Verizon be obligated by this Agreement to provide cooperative testing of loops it provides to Covad, or should such testing be established on an industry-wide basis only? If Verizon is to be required by this Agreement to provide such testing, what terms and conditions should apply?

ITEM NO.

CASE

21

Docket No. 020960-TP - Petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by DIECA Communications, Inc. d/b/a Covad Communications Company.

(Continued from previous page)

RECOMMENDATION: Verizon Florida should perform for a reasonable fee and at Covad's request, cooperative testing for the loops Covad orders. Specific procedures for cooperative testing should not be detailed within the interconnection agreement.

ISSUE 32: Should the Agreement establish terms, conditions and intervals to apply to a manual loop qualification process?

RECOMMENDATION: No. The terms, conditions and intervals that apply to Verizon's manual loop qualification process with Covad should be governed by Verizon Florida's current loop qualification processes, and by the intervals contained in Commission Order No. PSC-03-0761-PAA-TP. Staff notes that if Covad believes that the intervals set in Order No. PSC-03-0761-PAA-TP are inappropriate, Covad is encouraged to participate in future performance measure reviews. The appropriate venue for modifying Verizon's performance metrics is in Docket No. 000121C-TP.

ISSUE 33: Should the Agreement allow Covad to contest the prequalification requirement for an order or set of orders?

RECOMMENDATION: No. Staff agrees with Verizon that it is essential that orders for advanced services be provisioned on loops that possess the appropriate technical capabilities. Staff also notes that Verizon has given Covad the right to challenge a ruling of disqualification made by Verizon. Staff sees no compelling reason to recommend a change in the wording of the agreement.

ISSUE 34: Should the Agreement specify an interval for provisioning loops other than either the interval that Verizon provides to itself (for products with retail analogs) or the interval that this Commission establishes for all CLECs (for products with no retail analog)?

RECOMMENDATION: No. Intervals for the provisioning of loops should be those set forth in Commission Order No. PSC-03-0761-PAA-TP establishing the metrics contained in the

ITEM NO.

CASE

21

Docket No. 020960-TP - Petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by DIECA Communications, Inc. d/b/a Covad Communications Company.

(Continued from previous page)

settlement agreement as Verizon's permanent performance measures applicable to all of Verizon's CLEC customers in Docket No. 000121C-TP. These intervals should not be contained within the parties' interconnection agreement. Staff notes that if Covad believes that the intervals set in Order No. PSC-03-0761-PAA-TP are inappropriate, Covad is encouraged to participate in future performance measure reviews. The appropriate venue for modifying Verizon's performance metrics is Docket No. 000121C-TP.

ISSUE 35: Under what terms and conditions should Verizon conduct line and station transfers ("LSTs") to provision Covad loops?

RECOMMENDATION: Verizon Florida, for a reasonable fee, should perform line and station transfers (LSTs) following Covad's approval.

ISSUE 36: Is Verizon obligated to provide line sharing where an end-user customer receives voice services from a reseller?

RECOMMENDATION: No. Verizon is not obligated to provide line sharing where an end-user customer receives voice services from a reseller.

ISSUE 37: What should the interval be for Covad's line sharing Local Service Requests?

RECOMMENDATION: The intervals that should apply for Covad's line sharing Local Service Requests should be those Covad agreed to in the settlement agreement made with Verizon regarding Verizon's performance metrics in Docket No. 000121C-TP, and which the Commission ordered in Order No. PSC-03-0761-PAA-TP. Staff notes that if Covad believes that the intervals set in Order No. PSC-03-0761-PAA-TP are inappropriate, Covad is encouraged to participate in future performance measure reviews. The appropriate venue for modifying Verizon's performance metrics is Docket No. 000121C-TP.

ITEM NO.

CASE

21

Docket No. 020960-TP - Petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by DIECA Communications, Inc. d/b/a Covad Communications Company.

(Continued from previous page)

ISSUE 41: Should Verizon provide Covad access to unterminated, unlit fiber as a UNE? Should the dark fiber UNE include unlit fiber optic cable that has not yet been terminated on a fiber patch panel at a pre-existing Verizon Accessible Terminal?

RECOMMENDATION: No. Verizon is under no obligation to provide Covad access to unterminated, unlit fiber as a UNE, nor should the dark fiber UNE include unlit fiber optic cable that has not been terminated on a patch panel at a pre-existing Verizon Accessible Terminal.

ISSUE 42: Under Applicable Law, is Covad permitted to access dark fiber in technically feasible configurations that do not fall within the definition of a Dark Fiber Loop, Dark Fiber Sub-Loop, or Dark Fiber IOF, as specified in the Agreement? Should the definition of Dark Fiber Loop include dark fiber that extends between a terminal located somewhere other than a central office and the customer premises?

RECOMMENDATION: No. Staff recommends that Covad's access to dark fiber in technically feasible configurations be limited to dark fiber that falls within the definition of a Dark Fiber Loop, Dark Fiber Sub-Loop, or Dark Fiber IOF, as specified in the Agreement.

ISSUE 43: Should Verizon make available dark fiber that would require a cross connection between two strands of dark fiber in the same Verizon central office or splicing in order to provide a continuous dark fiber strand on a requested route? Should Covad be permitted to access dark fiber through intermediate central offices?

RECOMMENDATION: No. Verizon should not be required to splice dark fiber in order to provide Covad a continuous dark fiber strand on a requested route.

ISSUE 46: To what extent must Verizon provide Covad detailed dark fiber inventory information?

RECOMMENDATION: Staff recommends that Verizon should provide Covad with dark fiber maps to the extent that the maps can

ITEM NO.

CASE

21

Docket No. 020960-TP - Petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by DIECA Communications, Inc. d/b/a Covad Communications Company.

(Continued from previous page)

be provided as part of the dark fiber inquiry and field survey process.

ISSUE 51: If a UNE rate contained in the proposed Agreement is not found in a currently effective FCC or FPSC order or state or federal tariff, is Covad entitled to retroactive application of the effective FCC or FPSC rate either back to the date of this Agreement in the event that Covad discovers an inaccuracy in Appendix A to the Pricing Attachment (if such rates currently exist) or back to the date when such a rate becomes effective (if no such rate currently exists)? Will a subsequently filed tariff or tariff amendment, when effective, supersede the UNE rates in Appendix A to the Pricing Attachment?

RECOMMENDATION: As the current rates in Appendix A are binding on the parties, Covad should not be entitled to retroactive application of the effective FCC or FPSC rate. A subsequently filed original tariff or non-tariffed rate (including an FCC or FPSC approved rate), when effective, should not supersede the UNE rates in Appendix A to the Pricing Attachment. However, an amendment (i.e., revision) to a tariff referenced in the parties' agreement should supersede the UNE rates in Appendix A.

ISSUE 52: Should Verizon be required to provide Covad individualized notice of tariff revisions and rate changes?

RECOMMENDATION: No. Verizon should not be required to provide Covad individualized notice of tariff revisions and rate changes. Notice of tariff revisions and rate changes are publicly available and non-tariffed revisions are negotiated between the parties, making the issue moot.

Minutes of
Commission Conference
September 16, 2003

<u>ITEM NO.</u>	<u>CASE</u>
21	Docket No. 020960-TP - Petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by DIECA Communications, Inc. d/b/a Covad Communications Company. (Continued from previous page) <u>ISSUE 56</u> : Should this docket be closed? <u>RECOMMENDATION</u> : No. This Docket should remain open pending submission and final approval of the parties' Interconnection Agreement. <u>DECISION</u> : The recommendations were approved. Commissioners participating: Deason, Baez, Bradley

ITEM NO.

CASE

22Docket No. 020919-TP - Request for arbitration concerning complaint of AT&T Communications of the Southern States, LLC, Teleport Communications Group, Inc., and TCG South Florida for enforcement of interconnection agreements with BellSouth Telecommunications, Inc.

Critical Date(s): None

Commissioners Assigned: Deason, Bradley, Davidson
Prehearing Officer: Deason

Staff: CMP: Marsh
GCL: Christensen

ISSUE A: What is the Commission's jurisdiction in this matter?

RECOMMENDATION: Based on BellSouth Telecommunications, Inc., et al. v. MCIMetro Access Transmission Services, Inc., et al., 317 F.3d 1270 (11th Cir. January 2003) and Section 252(c)(1), the Commission has the authority to review a complaint based on an interconnection agreement approved by the Commission. Further, pursuant to Sections 364.01 and 364.162, Florida Statutes, the Commission has state authority to review a complaint regarding an interconnection agreement approved by the Commission.

ISSUE 2: Does the term "Local Traffic" as used in the Second Interconnection Agreement identified in AT&T's complaint include all "LATAwide" calls, including all calls originated or terminated through switched access arrangements as established by the state commission or FCC?

RECOMMENDATION: Yes, in part. For purposes of this contract, all calls that have been traditionally treated as intraLATA toll traffic, that are originated or terminated over switched access facilities, should be excluded from the definition of LATAwide local traffic. All calls that have been traditionally treated as intraLATA toll traffic, that are originated or terminated over local interconnection facilities, should be compensated as local calls. Further, all calls that have been traditionally treated as local should be so treated under this contract, regardless of the facilities used.

ITEM NO.

CASE

22

Docket No. 020919-TP - Request for arbitration concerning complaint of AT&T Communications of the Southern States, LLC, Teleport Communications Group, Inc., and TCG South Florida for enforcement of interconnection agreements with BellSouth Telecommunications, Inc.

(Continued from previous page)

ISSUE 3: Under the terms of the Second Interconnection Agreement, do reciprocal compensation rates and terms apply to calls originated or terminated through switched access arrangements as established by the state commission or FCC?

RECOMMENDATION: Yes, in part. Calls that have been traditionally treated as intraLATA toll traffic that are originated or terminated through switched access arrangements should be excluded from reciprocal compensation. All calls that have been traditionally treated as local should continue to be treated as local, regardless of the facilities used; therefore, reciprocal compensation should apply. Additionally, all calls that have been traditionally treated as intraLATA toll traffic that are originated or terminated through local interconnection facilities should be subject to reciprocal compensation.

ISSUE 4: If the answer to Issue 3 is "yes," has BellSouth breached the Second Interconnection Agreement?

RECOMMENDATION: Yes. To the extent that BellSouth has treated local traffic that is originated or terminated over switched access facilities as switched access traffic, BellSouth has breached the Second Interconnection Agreement. AT&T should continue to provide BellSouth with PLU factors for separation of local traffic from switched access traffic.

ISSUE 5: If the answer to Issue 4 is "yes," what remedies are appropriate?

RECOMMENDATION: The remedies outlined in the Second Interconnection Agreement are appropriate to the extent that BellSouth has treated traffic that has traditionally been treated as local as switched access traffic and failed to make appropriate payments for reciprocal compensation to AT&T. AT&T should develop a PLU factor to separate out local traffic from intraLATA and other traffic that does not

Minutes of
Commission Conference
September 16, 2003

<u>ITEM NO.</u>	<u>CASE</u>
22	Docket No. 020919-TP - Request for arbitration concerning complaint of AT&T Communications of the Southern States, LLC, Teleport Communications Group, Inc., and TCG South Florida for enforcement of interconnection agreements with BellSouth Telecommunications, Inc.

(Continued from previous page)

qualify for local treatment and submit it to BellSouth. If the parties are unable to agree on the revised traffic figures, they should file with this Commission the figures in dispute and the methodology used to calculate them, along with any supporting documentation, within 30 days of the issuance of the Order.

ISSUE 6: Should this docket be closed?

RECOMMENDATION: Yes. Upon the expiration of the appellate period, and if no filings are received from the parties within 30 days of the issuance of the order, this docket should be closed.

DECISION: The recommendations were approved. Commissioner Deason dissented from the majority decision on Issue 2.

Commissioners participating: Deason, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

23**PAA Docket No. 980119-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief. (Deferred from August 19, 2003 conference.)

Critical Date(s): None

Commissioners Assigned: Deason, Bradley, Davidson
Prehearing Officer: Deason

Staff: GCL: B. Keating
CMP: Harvey, Simmons, Vinson

ISSUE 1: Has BellSouth provided Supra with on-line edit checking capabilities as required in Order No. PSC-98-1001-FOF-TP, and was the capability provided in a timely manner?
RECOMMENDATION: Yes. The Commission should incorporate the results of the Third-Party OSS Test conducted in Docket No. 960786B-TL into this record, as contemplated by Order No. PSC-00-1777-PCO-TP. Based on this additional evidence, the Commission should find that BellSouth has provided on-line edit checking capability as required by Order No. PSC-98-1001-FOF-TP in a timely manner.

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 issuance of a Consummating Order if no person whose substantial interests are affected files a timely protest of the Commission's Proposed Agency Action Order resulting from this recommendation within 21 days of issuance of the Order.

DECISION: This item was deferred.

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

24**Docket No. 030438-EI - Petition for rate increase by Florida
Public Utilities Company.

Critical Date(s): 10/13/03 (60-day suspension date)

Commissioners Assigned: Deason, Bradley, Davidson

Prehearing Officer: Deason

Staff: ECR: Slemkewicz, Wheeler

GCL: Brubaker

ISSUE 1: Should the \$4,117,121 permanent base rate increase and its associated tariff revisions requested by Florida Public Utilities Company be suspended pending a final decision in this docket?

RECOMMENDATION: Yes. The \$4,117,121 permanent base rate increase and its associated tariff revisions requested by Florida Public Utilities Company should be suspended pending a final decision in this docket.

ISSUE 2: 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, Bradley, Davidson

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

25**Docket No. 021249-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for non-compliance with Commission Order PSC-02-0878-FOF-TP. (Deferred from April 1, 2003 conference.)

Critical Date(s): None

Commissioners Assigned: Baez, Bradley, Davidson
Prehearing Officer: Bradley

Staff: GCL: Taylor, Christensen
CMP: Dowds, Simmons
MMS: Ollila

ISSUE 1: Should the Motion to Dismiss filed by BellSouth Telecommunications, Inc. be granted on the grounds that the Commission lacks subject matter jurisdiction over allegations made in Supra's Complaint, thus requiring it to relinquish jurisdiction and refrain from any proceedings touching on the subjects set forth in the Complaint?

RECOMMENDATION: BellSouth's Motion to Dismiss should be denied on Issue 1.

ISSUE 2: Should the Commission dismiss Supra's Complaint on the grounds that the facts in Supra's Complaint fail to state a claim upon which relief can be granted?

RECOMMENDATION: BellSouth's Motion to Dismiss should be denied on Issue 2.

ISSUE 3: Should the Commission dismiss Supra's Complaint because, even if it is legally sufficient to state a claim for relief, that claim is not yet "ripe" for adjudication?

RECOMMENDATION: BellSouth's Motion to Dismiss should be denied on Issue 3.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending further negotiations by the parties and a possible evidentiary hearing on this matter.

DECISION: This item was deferred.

Minutes of
Commission Conference
September 16, 2003

ITEM NO.

CASE

26 Docket No. 020898-EQ - Petition by Cargill Fertilizer, Inc.
for permanent approval of self-service wheeling to, from,
and between points within Tampa Electric Company's service
area.

Critical Date(s): None

Commissioners Assigned: Baez, Bradley, Davidson
Prehearing Officer: Bradley

Staff: ECR: Haff, Draper
GCL: Gervasi, Rodan

ISSUE 1: Should Cargill's Request for Oral Argument be
granted?

RECOMMENDATION: Yes. The Request for Oral Argument should
be granted if the Commission finds that oral argument will
aid it in comprehending and evaluating the issues before it.
If granted, oral argument should be limited to five minutes
for each party.

ISSUE 2: Should Cargill's Motion for Reconsideration of a
portion of Order No. PSC-03-0945-PCO-EQ be granted?

RECOMMENDATION: No. The Motion for Reconsideration should
be denied.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. The docket should remain open pending
the resolution of Cargill's Petition for Permanent Approval
of Self-Service Wheeling Program.

DECISION: The recommendations were approved.

Commissioners participating: Baez, Bradley, Davidson