FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: November 2, 2004, 9:30 a.m.

LOCATION: Room 148, Betty Easley Conference Center

DATE ISSUED: October 22, 2004

NOTICE

Persons affected by Commission action on certain items on this agenda for which a hearing has not been held (other than actions on interim rates in file and suspend rate cases) may be allowed to address the Commission when those items are taken up for discussion at this conference. These items are designated by double asterisks (**) next to the agenda item number.

Included in the above category are items brought before the Commission for tentative or proposed action which will be subject to requests for hearing before becoming final. These actions include all tariff filings, items identified as proposed agency action (PAA), show cause actions and certain others.

To obtain a copy of staff's recommendation for any item on this agenda, contact the Division of the Commission Clerk and Administrative Services at (850) 413-6770. There may be a charge for the copy. The agenda and recommendations are also accessible on the PSC Homepage, at http://www.floridapsc.com, at no charge.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours before the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD). Assistive Listening Devices are available in the Division of the Commission Clerk and Administrative Services, Betty Easley Conference Center, Room 110.

Video and audio versions of the conference are available and can be accessed live on the PSC Homepage on the day of the Conference. The audio version is available through archive storage for up to three months afterward.

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ITEM NO.	CASE
1	Approval of Minutes October 5, 2004 Regular Commission Conference
2**	Consent Agenda

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

DOCKET NO.	COMPANY NAME
041167-TC	George P. Henry
041179-TC	Martha E Hegenbarth-Fowler d/b/a MKM Telecommunication Services
041181-TC	Mark A Lain & Kathryn L Lain d/b/a MKL Enterprises

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

DOCKET NO.	COMPANY NAME	EFFECTIVE DATE
041174-TX	GoBeam Services, Inc.	9/29/2004

PAA C) DOCKET NO. 041043-TX – Request for approval of transfer and name change on CLEC Certificate No. 8156 from Solution Telecom, Inc. to Unitycomm, LLC.

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

ITEM NO.	CASE

3 Docket No. 020896–WS – Petition by customers of Aloha Utilities, Inc. for deletion of portion of territory in Seven Springs area in Pasco County.
Docket No. 010503–WU – Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Baez (010503-WU)
Bradley (020896-WS)

Staff: GCL: Gervasi, Jaeger
ECR: Walden, Daniel, Willis

(Oral argument requested on Issue 2; oral argument not requested on Issue 3, but may be entertained at the discretion of the Commission.)
Issue 1: Should Aloha's request for oral argument on its motion for reconsideration of Order No. PSC-04-0929-PCO-WS, or in the alternative, motion for bifurcation, 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 which are the subject of Issue 2 of this recommendation. If granted, oral argument on Issue 2 should be limited to five minutes for Aloha and five minutes for OPC (the only party that has filed a response to the motion). Because no request for oral argument accompanied Aloha's motion for reconsideration of Order No. PSC-04-1001-PCO-WS, oral argument on Issue 3 of this recommendation may be granted solely at the discretion of the Commission.
Issue 2: Should Aloha's Motion for Reconsideration of Order No. PSC-04-0929-PCO-WS or, in the Alternative, Motion for Bifurcation be granted?
Recommendation: No. The motions should be denied.
Issue 3: Should Aloha's Motion for Reconsideration of Order No. PSC-04-1001-PCO-WS be granted?
Recommendation: No. The motion should be denied. Aloha should be required to file its written objections to the Commission's First Request for Production of Documents (Nos. 1-2), if any, and its response to staff's motion to compel by Thursday, November 4, 2005.
Issue 4: Should these dockets be closed?
Recommendation: No. The dockets should remain open pending resolution of the deletion petitions and the protest of the PAA order.

ITEM NO.	CASE

4**PAA

Docket No. 041169–EI – Complaint Nos. 445185E, 446514E, 446515E, and 446516E filed by Mr. Jude Alceguiere against Florida Power & Light Company for high bills and other alleged violations of Commission rules and statutes.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: GCL: Brown
ECR: Kummer
RCA: Hicks

Issue 1: What is the proper disposition of Mr. Alcegueire's complaints against Florida Power & Light?
Recommendation: The Commission should dismiss Mr. Alcegueire's complaints. FPL's charges to Mr. Alcegueire appear to be correct, and FPL has otherwise complied with applicable statutes and Commission rules.
Issue 2: Should this docket be closed?
Recommendation: If no person whose substantial interests are affected by the Commission's proposed agency action files a protest within twenty-one days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.	CASE

5** Docket No. 000733–TL – Investigation to determine whether BellSouth Telecommunications, Inc.'s tariff filing to restructure its late payment charge is in violation of Section 364.051, F.S. (Deferred from June 1, 2004 conference; revised recommendation filed.)
Docket No. 001503–TP – Cost recovery and allocation issues for number pooling trials in Florida.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Baez (001503-TP)
Jaber (000733-TL)

Staff: CMP: Casey, Bulecza-Banks, C. Williams, Simmons
GCL: Susac

Issue 1: What is the appropriate disposition of BellSouth's unclaimed refund amounts ($2,798,916), and outstanding drafts ($1,761,214) related to Docket No. 000733-TL?
Primary Recommendation: Staff recommends that of the $4,560,130 in monies to be disbursed, $2,970,762 be allocated to offset BellSouth's Florida number pooling costs. Staff also recommends that the remaining $1,589,368 be used to promote Lifeline and Link-Up. Further, staff recommends that the Commission direct BellSouth, OPC, and PSC staff to jointly determine what programs would best promote Lifeline and Link-Up, and after developing a joint plan and timeline for disposition of the monies, bring the plan before the Commission for approval.
Alternative 1 Recommendation: Alternative 1 staff recommends that the Commission approve BellSouth and OPC's Joint Motion, in part, and authorize the use of $2,798,916 (unclaimed refunds) in the form of a corporate undertaking for the Lifeline and Link-Up programs. Staff also recommends that the Commission direct BellSouth, OPC, and PSC staff to jointly determine what programs would best promote Lifeline and Link-Up, and after developing a joint plan and timeline for disposition of the monies, bring the plan before the Commission for approval. In addition, Alternative 1 staff also recommends that the remaining $1,761,214 (outstanding drafts) be allocated to offset BellSouth's Florida number pooling costs. The remaining $1,209,548 in number pooling costs should be collected through a one-time surcharge to BellSouth end-user lines pursuant to the methodology approved in Order No. PSC-04-0882-FOF-TP, issued September 9, 2004, in Docket No. 001503-TP.
Alternative 2 Recommendation: Alternative 2 staff recommends that all $4,560,130 of LPC monies be used for Lifeline and Link-Up. Further, staff recommends that the Commission direct BellSouth, OPC, and PSC staff to jointly determine what programs would best promote Lifeline and Link-Up, and after developing a joint plan and timeline for disposition of the monies, bring the plan before the Commission for approval.

ITEM NO.	CASE
5**	Docket No. 000733–TL – Investigation to determine whether BellSouth Telecommunications, Inc.'s tariff filing to restructure its late payment charge is in violation of Section 364.051, F.S. (Deferred from June 1, 2004 conference; revised recommendation filed.) Docket No. 001503–TP – Cost recovery and allocation issues for number pooling trials in Florida.

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Issue 2: Should the Commission order BellSouth to file reports detailing its Lifeline and Link-Up promotional efforts?

Recommendation: Yes. Staff recommends that BellSouth be ordered to file reports with the Commission detailing its Lifeline and Link-Up promotional efforts. Data regarding the disbursement of funds from the CSF and the balance of the CSF would be filed thirty days after the end of each quarter, beginning with the calendar quarter ending September 30, 2004. Information regarding BellSouth's promotional efforts to expand Lifeline and Link-Up participation along with information regarding the origin of Lifeline/Link-Up applications submitted to BellSouth, would be filed thirty days after each six-month period beginning with the six-month period ending December 31, 2004.

Issue 3: Should these dockets be closed?

Recommendation: Staff recommends that Docket No. 000733-TL remain open so that a detailed joint plan specifying how and when any Lifeline and Link-Up monies will be used and disbursed can be developed by OPC, BellSouth and staff, and a recommendation can be brought before the Commission for approval. Staff also recommends that Docket No. 001503-TP be closed.

ITEM NO.	CASE
6**PAA	Docket No. 041095–TI – Request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., due to acquisition of commercial long distance customers of Teligent Services, Inc. by Startec Global Licensing Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: CMP: M. Watts
GCL: Scott

Issue 1: Should the Commission approve the waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, in the transfer of long distance customers from Teligent Services, Inc. to Startec Global Licensing Company?
Recommendation: Yes.
Issue 2: Should this docket be closed?
Recommendation: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

ITEM NO.	CASE

7**PAA Compliance investigations for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 040840–TX	–	Annox, Inc.
Docket No. 040846–TX	–	Public Telephone Network, Inc.
Docket No. 040847–TX	–	InterCept Communications Technologies, Inc.
Docket No. 040848–TX	–	King Communications & Services, Inc.
Docket No. 040851–TX	–	AMAFLA Telecom, Inc.
Docket No. 040853–TX	–	Ocius Communications, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Bradley

Staff: CMP: Isler
GCL: Scott

Issue 1: Should the Commission impose a penalty and a cost of collection, together totaling $1,000, or cancel the Competitive Local Exchange Carrier (CLEC) certificate for each company identified in Attachment A of staff's October 21, 2004 memorandum, with an effective date of December 31, 2004, 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?
Recommendation: Yes.
Issue 2: Should these dockets be closed?
Recommendation: Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If any company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If any company fails to pay the penalty and cost of collection, together totaling $1,000, and Regulatory Assessment Fees, including statutory late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's certificate should be cancelled administratively and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. If any company's certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing competitive local exchange service in Florida.

ITEM NO.	CASE
7**PAA	Compliance investigations for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

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These dockets should be closed administratively either upon receipt of the payment of the penalty and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's certificate.

ITEM NO.	CASE

8**PAA Compliance investigations for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 040841–TX	–	Tristar Communications Corp.
Docket No. 040842–TX	–	Atlas Communications, Ltd.
Docket No. 040843–TX	–	Max-Tel Communications, Inc. d/b/a Florida's Max-Tel Communications, Inc.
Docket No. 040844–TX	–	Microsun Telecommunications, Inc.
Docket No. 040849–TX	–	O1 Communications of Florida, LLC
Docket No. 040854–TX	–	TalkingNets Holdings, LLC
Docket No. 040855–TX	–	Mercury Long Distance, Inc.
Docket No. 040856–TX	–	Direct Telephone Company, Inc.
Docket No. 040857–TX	–	Lionhart of Miami, Inc. d/b/a Astral Communications
Docket No. 040858–TX	–	Armour E611 Incorporated
Docket No. 040859–TX	–	Gulf Coast Telecom, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Bradley

Staff: CMP: Isler
GCL: Rockette-Gray

Issue 1: Should the Commission impose a penalty and a cost of collection, together totaling $500, or cancel the Competitive Local Exchange Carrier (CLEC) certificate for each company identified in Attachment A of staff's October 21, 2004 memorandum, with an effective date of December 31, 2004, 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?
Recommendation: Yes.
Issue 2: Should these dockets be closed?
Recommendation: Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If any company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If any company fails to pay the penalty and cost of collection, together totaling $500, and Regulatory Assessment Fees, including statutory

ITEM NO.	CASE
8**PAA	Compliance investigations for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

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late payment charges, within fourteen (14) calendar days after the issuance of the Consummating Order, the company's certificate should be cancelled administratively and the collection of the past due Regulatory Assessment Fees, including statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. If any company's certificate is cancelled in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing competitive local exchange service in Florida. These dockets should be closed administratively either upon receipt of the payment of the penalty and cost of collection, and Regulatory Assessment Fees, including statutory late payment charges, or upon cancellation of the company's certificate.

ITEM NO.	CASE

9**PAA

Docket No. 040578–TC – Application for certificate to provide pay telephone service by Hozae Milton d/b/a Florida Commercial Payfon, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: CMP: McCoy
GCL: Rockette-Gray
RCA: Vandiver

Issue 1: Should the Commission grant Hozae Milton d/b/a Florida Commercial PayFon, Inc. a pay telephone certificate?
Recommendation: No.
Issue 2: Should this docket be closed?
Recommendation: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon issuance of a consummating order.

ITEM NO.	CASE
10**	Docket No. 030747–SU – Application for transfer of assets and Certificate No. 285-S in Pasco County to HV Utility Systems, L.L.C., by Hacienda Utilities, Ltd. Critical Date(s): None Commissioners Assigned: All Commissioners Prehearing Officer: Bradley Staff: ECR: Brady, Redemann, Romig GCL: Fleming Issue 1: Should the transfer of wastewater facilities and Certificate No. 285-S from Hacienda Utilities, Ltd. to HV Utility Systems, L.L.C. be approved? Recommendation: Yes. The transfer is in the public interest and should be approved. The territory being transferred is described in Attachment A of staff's October 21, 2004 memorandum. The effective date for the transfer of certificate should be the date of the Commission vote. HV Utility Systems, L.L.C. should be responsible for filing annual reports and paying RAFs for 2004 and subsequent years.
PAA	Issue 2: What is the rate base for Hacienda Utilities, Ltd.'s wastewater systems at the time of the transfer? Recommendation: The rate base is $ 445,897 for the wastewater system as of December 31, 2002. Within 60 days of the date of the order, the utility should be required to provide a statement from its accountant indicating that the utility's books have been adjusted to reflect the Commission approved rate base adjustments and balances.
PAA	Issue 3: Should an acquisition adjustment be recognized for ratemaking purposes? Recommendation: No. An acquisition adjustment should not be included in the calculation of rate base for transfer purposes. Issue 4: Should the utility's existing rates and charges be continued? Recommendation: Yes. The existing rates and charges for the utility should be continued until authorized to change by the Commission in a subsequent proceeding. The utility should be required to continue to bill Hacienda Village monthly for lot usage. In addition, the utility should be required to record CIAC for any new connections to the wastewater system. The tariff sheets reflecting the existing rates and charges should be effective for services rendered or connections made on or after the stamped approval date. Issue 5: Should this docket be closed? Recommendation: No. If no timely protest is received to the proposed agency action issues on rate base and acquisition adjustment, the Order will become final upon the issuance of a Consummating Order. However, the docket should remain open pending receipt of the statement from the utility's accountant indicating that the utility's books have been adjusted to reflect the Commission approved rate base adjustments and balances. Upon receipt of such statement, the docket should be administratively closed.

ITEM NO.	CASE

11** Docket No. 040704–WS – Application for amendment of Certificates 532-S and 618-W to extend water and wastewater service areas to include certain land in Sumter County by North Sumter Utility Company, L.L.C.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Davidson

Staff: ECR: Walden
GCL: Vining

Issue 1: Should the utility's request to amend its water and wastewater certificates be granted?
Recommendation: Yes. The water and wastewater certificates of North Sumter Utility Company, L.L.C., should be amended to include the territory listed on Attachment A of staff's October 21, 2004 memorandum.
Issue 2: Should the docket be closed?
Recommendation: Yes. If staff's recommendation in Issue 1 is approved, no further action is required and the docket should be closed.

ITEM NO.	CASE
12	Docket No. 030444–WS – Application for rate increase in Bay County by Bayside Utility Services, Inc.

Critical Date(s): None

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

Staff: GCL: Jaeger
ECR: Fletcher, Merchant, Willis

(Participation dependent on Commission vote on Issue 1.)
Issue 1: Should the Commission grant Bayside's Request for Oral Argument?
Recommendation: Yes. Because oral argument may aid the Commission in comprehending and evaluating the issue of maintaining or relinquishing jurisdiction, staff recommends that oral argument be granted. Combined oral presentations on the Office of Public Counsel's Motion for Commission to Relinquish Jurisdiction should be limited to fifteen minutes per side.
Issue 2: Should OPC's Motion for the Commission to Relinquish Jurisdiction to the County be granted?
Recommendation: No. The Commission should maintain jurisdiction and proceed with the formal hearing to set final rates and dispose of the interim rates collected by Bayside.
Issue 3: Should this docket be closed?
Recommendation: No. If the Commission approves staff's recommendation to deny the Office of Public Counsel's Motion, and maintain jurisdiction, the docket should remain open to allow the Commission to conduct an evidentiary hearing, and subsequently enter a final order setting rates and disposing of the interim rates collected by Bayside.

ITEM NO.	CASE

13 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.

Critical Date(s): None

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

Staff: CMP: Broussard, Vinson, Fisher, Harvey
GCL: Banks

(Participation is limited to Commissioners and staff.)
Issue 1: What did the Florida Public Service Commission order regarding online edit checking capability in this docket?
Recommendation: Staff recommends that Commission Order Nos. PSC-98-1001-FOF-TP and PSC-98-1467-FOF-TP required BellSouth, by December 31, 1998, to provide Supra with the same interactions and online edit checking capability through BellSouth's interfaces that occurs when its retail ordering interfaces interact with BellSouth's Field Identifier, USOC, and Edit Library (FUEL) and Service Order Layout Assembly Routine (SOLAR) databases. Staff believes the Commission did not order BellSouth to implement online order edit checking for Supra.
Issue 2: Has online edit capability been made available in the manner required by the Commission's prior orders in this docket?
Recommendation: Yes. Staff recommends that the Commission found that BellSouth provided Supra with online edit checking capability in accordance with Commission orders by providing Supra with BellSouth business rules, and Service Order Edit Routine edits which gave Supra the capability to implement online edit checking.
Issue 3: Did the third-party test performed by KPMG in Docket Nos. 980786-TX and 981834-TP resolve any issues in this proceeding?
Recommendation: Yes. The KPMG third-party test demonstrated that BellSouth's Operational Support Systems are nondiscriminatory, accessible to CLECs, and that CLECs are able to develop and implement customized ordering interfaces which may include features such as incorporation of online, real-time edit checking.
Issue 4: Has BellSouth timely complied with the Commission's previous orders in this docket?
Recommendation: Staff recommends that as evidenced in Issues 1, 2, and 3 BellSouth has timely complied with the Commission's orders in this proceeding.
Issue 5: Should this docket be closed?
Recommendation: Yes. No further action is required and the docket should be closed after the time for filing an appeal has run.

ITEM NO.	CASE

14 Docket No. 030102–WS – Application for authority to transfer Certificate Nos. 620-W and 533-S in Highlands County from The Woodlands of Lake Placid, L.P. to L. P. Utilities Corporation.

Critical Date(s): None

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

Staff: GCL: Fleming, Brown
ECR: Clapp, Redemann

(Participation is limited to Commissioners and staff.)
Issue 1: Is Camp Florida Property Owners Association, Inc. an exempt entity pursuant to Section 367.022(7), Florida Statutes?
Recommendation: No. Based on the evidence in the record, Camp Florida's provision of water and wastewater service would not be exempt from Commission jurisdiction pursuant to Section 367.022(7), Florida Statutes.
Issue 2: Should the Commission approve the transfer of Certificate Nos. 620-W and 533-S from The Woodlands of Lake Placid, L.P. to L.P. Utilities Corporation?
Recommendation: Yes. The transfer of Certificate Nos. 620-W and 533-S from The Woodlands of Lake Placid, L.P. to L.P. Utilities Corporation is in the public interest and should be approved, effective on the day of the Commission vote. A description of the territory granted to Certificate Nos. 620-W and 533-S is appended to staff's October 21, 2004 memorandum as Attachment A. LPUC should continue charging the rates and charges approved for Woodlands, until authorized to change by the Commission in a subsequent proceeding. LPUC should be required to file revised tariff sheets reflecting the transfer to LPUC, including the currently approved rates and charges, within 30 days of the Order. The tariff pages reflecting the transfer should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets.
Issue 3: Should the Commission approve an acquisition adjustment for the transfer of The Woodlands of Lake Placid, L.P. to L.P. Utilities Corporation?
Recommendation: No. The purchase price resulting from the loan from Highvest Corporation to L.P. Utilities Corporation in the amount of $409,959 is greater than the combined amount of water and wastewater rate base in the amount of $380,609. Therefore, pursuant to Rule 25-30.0371, Florida Administrative Code, no acquisition adjustment should be made.
Issue 4: Is the transfer of L.P. Utilities to Camp Florida in the public interest?
Recommendation: No. It is not in the public interest to approve the transfers of the wastewater system or the LPUC stock to the Association.

ITEM NO.	CASE
14	Docket No. 030102–WS – Application for authority to transfer Certificate Nos. 620-W and 533-S in Highlands County from The Woodlands of Lake Placid, L.P. to L. P. Utilities Corporation.

(Continued from previous page)

Issue 5: Does the evidence demonstrate that Camp Florida will fulfill the obligations and commitments of Woodlands?
Recommendation: Yes. It appears that Camp Florida will fulfill the commitments, obligations, and representations of the utility if the transfers are approved.
Issue 6: Should the Commission approve the transfer of the wastewater facilities to Camp Florida Property Owners Association, Inc. and cancel Certificate No. 533-S?
Recommendation: No. The transfer of the wastewater facilities to Camp Florida Property Owners Association, Inc. is not in the public interest and should not be approved.
Issue 7: Should the Commission approve the transfer of majority organizational control of L.P. Utilities Corporation from AnBeth Corporation to Camp Florida Property Owners Association, Inc.?
Recommendation: No. The transfer of the majority organizational control of LPUC from Anbeth to the Association is not in the public interest and should not be approved.
Issue 8: Should this docket be closed?
Recommendation: Upon the expiration of the appeal period, if no party timely appeals the order, and upon the filing and staff's approval of the revised tariff sheets, this docket should be closed.

ITEM NO.	CASE

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

Critical Date(s): 11/22/04 (Petition for rule waiver or variance is deemed approved if not granted or denied within 90 days of receipt of completed petition.)

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

Staff: GCL: C. Keating
ECR: Floyd, Kummer, Matlock, Wheeler
RCA: Mills, Ruehl

Issue 1: Should the Commission grant FPL's motion to dismiss Customers' petition for variance or waiver of Rule 25-6.103(3), Florida Administrative Code?
Recommendation: No. Customers have standing to file their petition for variance or waiver.

PAA Issue 2: Should the Commission grant Customers' petition for variance or waiver of Rule 25-6.103(3), Florida Administrative Code?
Recommendation: No. Customers have failed to demonstrate that application of the rule would create a substantial hardship or violate principles of fairness. Further, the requested rule waiver is inappropriate given that the interpretation and application of Rule 25-6.103(3), as well as the method of calculating refunds for Customers, is at issue and is the subject of comprehensive prefiled testimony in litigation pending in this docket.
Issue 3: Should this docket be closed?
Recommendation: No. This docket should remain open to allow this matter to proceed to hearing.

ITEM NO.	CASE

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

Critical Date(s): None

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

Staff: GCL: C. Keating
ECR: Floyd, Kummer, Matlock, Wheeler
RCA: Mills, Ruehl

(Oral agrument not requested; participation at the Commission's discretion.)
Issue 1: Should the Commission grant Customers' motion for reconsideration of Order No. PSC-04-0932-PCO-EI?
Recommendation: No. Customers' motion for reconsideration fails to identify any point of fact or law that the Prehearing Officer overlooked or failed to consider in rendering Order No. PSC-04-0932-PCO-EI.
Issue 2: Should the Commission grant Customers' motion for reconsideration of Order No. PSC-04-0934-PCO-EI?
Recommendation: No. Customers' motion for reconsideration fails to identify any point of fact or law that the Prehearing Officer overlooked or failed to consider in rendering Order No. PSC-04-0934-PCO-EI.
Issue 3: Should this docket be closed?
Recommendation: No. This docket should remain open to allow this matter to proceed to hearing.