

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, October 2, 2012, 9:30 a.m.

LOCATION: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

DATE ISSUED: September 21, 2012

NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (***) next to the agenda item number.

To participate informally, affected persons need only appear at the agenda conference and request the opportunity to address the Commission on an item listed on agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing.

See Rule 25-22.0021, F.A.C., concerning Agenda Conference participation and Rule 25-22.0022, F.A.C., concerning oral argument.

Agendas, staff recommendations, and vote sheets are available from the PSC Web site, <http://www.floridapsc.com>, by selecting *Conferences & Meeting Agendas* and *Commission Conferences of the FPSC*. Once filed, a verbatim transcript of the Commission Conference will be available from this page by selecting the conference date, or by selecting *Clerk's Office* and the Item's docket number, (you can then advance to the *Docket Details* page and the Document Filings Index for that particular docket). An official vote of "move staff" denotes that the Item's recommendations were approved. If you have any questions, contact the Office of Commission Clerk at (850) 413-6770 or e-mail the clerk at Clerk@psc.state.fl.us.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Commission Conference has a live video broadcast the day of the conference, which is available from the PSC's Web site. Upon completion of the conference, the video will be available from the Web site by selecting *Conferences & Meeting Agendas*, then *Audio and Video Event Coverage*.

Table of Contents
 Commission Conference Agenda
 October 2, 2012

1**	Consent Agenda	2
2**	Docket No. 120230-PU – Proposed repeal of Rule 25-4.043, Response to Commission Staff Inquiries, Rule 25-6.004, Reference to Commission, Rule 25-6.042, Response to Commission Inquiries and Rule 25-7.038, Response to Commission Staff Inquiries.	3
3**PAA	Docket No. 120171-EU – Joint petition for approval of amendment to territorial agreement in St. Johns County between Florida Power & Light Company, a Florida corporation, and JEA, a Florida municipal corporation.	4
4	Docket No. 120040-EI – Complaint against Florida Power & Light Company, by Wellington A Condominium Association, Inc., for alleged failure to properly supervise and inspect work to be, and performed, by Robert C. Ambrosius d/b/a One Call Property Service, Inc.	5
5**PAA	Docket No. 120175-TP – Application for designation as an eligible telecommunications carrier pursuant to Section 214(e)(2) of the Communications Act of 1934 for the limited purpose of receiving federal universal service low income support for providing lifeline service to qualified households in its rural service territory, by Cox Florida Telecom, LP d/b/a Cox Communications d/b/a Cox Business.....	6
6**	Docket No. 110317-WS – Application for transfer of majority organizational control of Tymber Creek Utilities, Incorporated, holder of Certificate Nos. 303-W and 252-S in Volusia County, from Joseph Stanley and Steve P. Shirah to Joseph Stanley Shirah. Docket No. 120191-WS – Application for amendment of Certificate Nos. 303-W and 252-S to add territory in Volusia County by Tymber Creek Utilities, Incorporated.....	7
7**	Docket No. 120075-EI – Request by Gulf Power Company to modify its underground residential differential tariffs.	8
8**	Docket No. 120228-EQ – Petition for approval of modifications to standard interconnection agreements contained in the approved tariff by Progress Energy Florida, Inc.....	9

ITEM NO.

CASE

1**

Consent Agenda

PAA

A) Application for Certificate of Authority to Provide Telecommunications Service.

DOCKETNO.

COMPANY NAME

120216-TX

Integrated Path Communications, LLC

Recommendation: The Commission should approve the action requested in the docket referenced above and close this docket.

ITEM NO.

CASE

2**

Docket No. 120230-PU – Proposed repeal of Rule 25-4.043, Response to Commission Staff Inquiries, Rule 25-6.004, Reference to Commission, Rule 25-6.042, Response to Commission Inquiries and Rule 25-7.038, Response to Commission Staff Inquiries.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: GCL: Miller

ECO: King

(Proposal May Be Deterred.)

Issue 1: Should the Commission propose the repeal of Rule 25-4.043, Response to Commission Staff Inquiries; Rule 25-6.004, Reference to Commission; Rule 25-6.042, Response to Commission Staff Inquiries; and Rule 25-7.038, Response to Commission Staff Inquiries?

Recommendation: Yes, the Commission should propose the repeal of the rules as set forth in Attachment A of staff's memorandum dated September 20, 2012.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules should be filed with the Department of State, and the docket should be closed.

ITEM NO.

CASE

3**PAA

Docket No. 120171-EU – Joint petition for approval of amendment to territorial agreement in St. Johns County between Florida Power & Light Company, a Florida corporation, and JEA, a Florida municipal corporation.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Lawson

ENG: Rieger

Issue 1: Should the Commission approve the joint petition for approval to amend territorial agreement in St. Johns County between FPL and JEA?

Recommendation: Yes. The joint petition for approval of the amended territorial agreement between FPL and JEA is in the public interest and should be approved.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose interests are substantially affected timely files a protest to the Commission's Proposed Agency Action Order, this docket should be closed upon issuance of a Consummating Order.

ITEM NO.

CASE

4

Docket No. 120040-EI – Complaint against Florida Power & Light Company, by Wellington A Condominium Association, Inc., for alleged failure to properly supervise and inspect work to be, and performed, by Robert C. Ambrosius d/b/a One Call Property Service, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Murphy

ECO: Garl, Gilbert

(Oral Argument Not Requested - Participation is at the Commission's Discretion.)

Issue 1: Should the Commission Grant FPL's Motion to Dismiss Wellington's Amended Complaint with Prejudice?

Recommendation: Yes, the Commission should grant FPL's Motion to Dismiss Wellington's Amended Complaint with Prejudice.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

ITEM NO.

CASE

5**PAA

Docket No. 120175-TP – Application for designation as an eligible telecommunications carrier pursuant to Section 214(e)(2) of the Communications Act of 1934 for the limited purpose of receiving federal universal service low income support for providing lifeline service to qualified households in its rural service territory, by Cox Florida Telecom, LP d/b/a Cox Communications d/b/a Cox Business.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: TEL: Beard

GCL: Teitzman

Issue 1: Should Cox be designated as an ETC throughout its rural service territory in Florida?

Recommendation: Yes, staff recommends that Cox’s petition for ETC designation in its rural service areas listed in Attachment B of staff’s memorandum dated September 20, 2012, should be granted for the sole purpose of offering Lifeline discounts to qualifying consumers in Florida. Cox’s rural ETC designation in Florida should be contingent upon the FCC approving Cox’s Petition for Forbearance. The effective date should be the effective date of the FCC’s final order approving Cox’s Petition for Forbearance. If there is a future change of company ownership, the new owners should be required to file a petition with the FPSC and make a showing of public interest to maintain the company’s ETC designation. If Cox should decide in the future to seek high cost universal service funds, it should be required to file a petition and make a showing that it would be in the public interest to grant such a request.

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

6**

Docket No. 110317-WS – Application for transfer of majority organizational control of Tymber Creek Utilities, Incorporated, holder of Certificate Nos. 303-W and 252-S in Volusia County, from Joseph Stanley and Steve P. Shirah to Joseph Stanley Shirah.
Docket No. 120191-WS – Application for amendment of Certificate Nos. 303-W and 252-S to add territory in Volusia County by Tymber Creek Utilities, Incorporated.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Edgar (110317-WS)
Administrative (120191-WS)

Staff: ENG: Brady, Ellis, Matthews, Rieger
AFD: Kaproth
GCL: Lawson

Issue 1: Should Tymber Creek Utilities, Incorporated be required to show cause, in writing, within 21 days why it should not be fined for its apparent violation of Section 367.045, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated.

Issue 2: Should the Commission approve the application by Tymber Creek Utilities, Incorporated to amend Certificate Nos. 303-W and 252-S?

Recommendation: Yes. The Commission should approve Tymber Creek's application for amendment of Certificate Nos. 303-W and 252-S to include territory as reflected in Attachment A of staff's memorandum dated September 20, 2012, effective the date of the Commission vote. The resultant order should serve as Tymber Creek's amended certificates and should be retained by the utility. The Utility should charge the customers in the territory added herein the rates and charges contained in its current tariff until a change is authorized by the Commission in a subsequent proceeding.

Issue 3: Should the transfer of majority organizational control be approved?

Recommendation: Yes, the transfer of majority organizational control of Tymber Creek Utilities, Incorporated from Joseph Stanley Shirah and Steve P. Shirah to Joseph Stanley Shirah is in the public interest and should be approved effective the date of the Commission vote. The resultant order should serve as the Utility's Certificate Nos. 303-W and 252-S and should be retained by the Utility. The Utility's existing rates and charges should remain in effect until a change is authorized by the Commission in a subsequent proceeding and the Utility should continue to be responsible for filing annual reports and remitting RAFs.

Issue 4: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1, 2, and 3, no further action will be necessary and this docket should be closed.

ITEM NO.

CASE

7**

Docket No. 120075-EI – Request by Gulf Power Company to modify its underground residential differential tariffs.

Critical Date(s): 12/02/12 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: King, Draper

GCL: Jaeger

Issue 1: Should the Commission approve Gulf’s URD tariffs and associated charges?

Recommendation: Yes, the proposed URD tariffs and associated charges should be approved.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, this tariff should become effective on October 2, 2012. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.

ITEM NO.

CASE

8**

Docket No. 120228-EQ – Petition for approval of modifications to standard interconnection agreements contained in the approved tariff by Progress Energy Florida, Inc.

Critical Date(s): 10/27/12 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: IDM: Clemence

ENG: Graves

GCL: Robinson

Issue 1: Should PEF's proposed changes to its Standard Interconnection Agreement Tariffs for Customer-Owned Renewable Generation be approved?

Recommendation: Yes. Staff recommends that the Commission approve the modifications to PEF's Standard Interconnection Agreement Tariff for Customer-Owned Renewable Generation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, this tariff should become effective on October 2, 2012. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.