

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** July 26, 2018

**TO:** Office of Commission Clerk (Stauffer)

**FROM:** Office of the General Counsel (Page) *PHH SML*  
Office of Consumer Assistance and Outreach (Plescow) *CM*  
Division of Engineering (Moses) *DM*

**RE:** Docket No. 20180087-EI – Complaint against Florida Power & Light Company regarding safety of transformers supplying power to six residential buildings in South Winds Condominium, by Manuel Blanco.

**AGENDA:** 08/07/18 – Regular Agenda – Proposed Agency Action - Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Fay

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

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### Case Background

Section 366.03, Florida Statutes (F.S.), states that each public utility shall furnish to each person applying for service, reasonably sufficient, adequate, and efficient service. The Commission has jurisdiction as set forth in Section 366.04, F.S., to regulate and supervise each public utility with respect to its rates and service.

Rule 25-22.032, Florida Administrative Code (F.A.C.), implements Chapter 366, F.S., and establishes informal customer complaint procedures that are designed to address disputes, subject to the Commission's jurisdiction, that occur between regulated companies and individual customers. Pursuant to this rule, any customer of a Commission regulated company may file a complaint with the Commission's Office of Consumer Assistance & Outreach whenever the

customer has an unresolved dispute with the company regarding electric, gas, water and wastewater service.

On September 7, 2017, Manuel Blanco filed an informal complaint with the Commission against Florida Power & Light Company (FPL). In his complaint, Mr. Blanco states that he has concerns regarding the clearance distance and the safety of FPL's pad-mounted transformers in South Winds Condominium community, in particular, the transformer located near his unit.

On March 21, 2018, staff advised Mr. Blanco that his informal complaint had been reviewed. He was informed that based on this review, it did not appear that FPL had violated applicable statute, rule, company tariff or order of the Commission.

Mr. Blanco was also notified by Commission staff that he had an opportunity to file a petition for formal proceedings. On April 3, 2018, Mr. Blanco filed a petition for initiation of formal proceedings. In the formal complaint, Mr. Blanco claims that the transformer located near his unit and other transformers in the condominium community that are owned and operated by FPL do not meet FPL and Commission clearance and safety standards.

This recommendation addresses the appropriate disposition of Mr. Blanco's complaint against FPL. The Commission has jurisdiction over this matter pursuant to Section 366.04, F.S.

## Discussion of Issues

**Issue 1:** What is the appropriate disposition of Mr. Blanco's formal complaint?

**Recommendation:** Mr. Blanco's formal complaint should be denied. FPL did not violate any applicable statute, rule, standard, company tariff or order of the Commission in maintaining the transformers at issue in Mr. Blanco's complaint, including the transformer next to Mr. Blanco's unit at South Winds Condominium. (Page, Plescow, Moses)

**Staff Analysis:** Mr. Blanco's complaint concerns transformers by which FPL supplies electrical power to residential buildings at South Winds Condominium.<sup>1</sup> FPL supplies this energy to South Winds residents through one or two liquid-filled pad-mounted transformers for each building. Mr. Blanco alleges safety violations that FPL failed to meet the requirements of the 2012 edition of the National Electrical Safety Code for outdoor installations of liquid-filled transformers and failed to comply with its own 2017 Electric Service Standards. Mr. Blanco also alleges unsafe conditions, claiming that the transformers in South Winds Condominium may explode or ignite in standing water.

### Transformer Clearances

Staff believes that the regulations and guidelines cited by Mr. Blanco concern mandatory access clearances to be maintained by FPL customers who have transformers situated near their property. In this regard, Mr. Blanco cites FPL's Electric Service Standards (ESS).<sup>2</sup> The ESS is intended to furnish information often required by customers to receive FPL's electric service.<sup>3</sup> The ESS requires that FPL customers:

[M]aintain access to FPL to pad mounted equipment located on the Customer's property (eight feet of clearance from the door side and three feet of clearance from the other sides from items such as fences, shrubs and other obstructions are to be maintained by the Customer as shown in Fig. V-1. FPL will help plan the Customer's installation of fences, shrubs, etc., near FPL facilities such that they will not obstruct access or cause damage to FPL's facilities. Where adequate access to FPL facilities is maintained, faster service restoration is made possible in the event of a power interruption.)

The purpose of the clearances surrounding the transformer is for the performance of maintenance, repair, or replacement. FPL states that the clearances are there for ease of installation and operation by their crews and to have a safe area in which to work. FPL further indicates that pad-mounted transformers do not explode or electrify in water.

On September 26, 2017, Ms. Katrine Negrin Hernandez, FPL Engineering Lead, informed Mr. Blanco by e-mail that a field investigation determined that the clearance in front of his

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<sup>1</sup> South Winds Condominium is located in Miami, Florida.

<sup>2</sup> Electric Service Standards for Overhead, Underground and Residential Subdivision Areas. Staff references the ESS dated February 13, 2017, Section V: Page 1 of 6.

<sup>3</sup> FPL states in the ESS that the ESS is subject to and subordinate in all respects to FPL's Tariff, as amended from time to time and approved by the Commission, the Florida Administrative Code as it pertains to publicly held utilities, and provisions of the current edition of the National Electrical Safety Code.

transformer met the required clearance distance even though the clearance in the rear of the transformer was short of the required distance by only a few inches. Staff has also determined that the clearances for Mr. Blanco's transformer in South Winds Condominium meet mandatory clearance allowances.

Ms. Hernandez also explained:

- (1) Published clearances are mainly for restoration and installation purposes and do not affect the operation of the transformer;
- (2) FPL does not provide manufacturer information; however, all transformers are manufactured to comply with company specific standards and are inspected every 5 years; and
- (3) Pad-mounted transformer locations are fully negotiated and agreed upon. Prior to the development of new buildings and homes; customers requesting relocation of FPL's facilities will be responsible for the cost of relocation.

On November 8, 2017, Ms. Hernandez contacted Mr. Blanco and explained to him that in an effort to resolve his complaint, FPL agreed to replace the transformer and install a second concrete pad to raise the transformer level, if possible. On November 13, 2017, an FPL inspection showed that there was not enough extra service cable length to accommodate a second concrete transformer pad. For this reason, FPL could not add a second concrete pad. On December 15, 2017, FPL replaced the pad-mounted transformer next to Mr. Blanco's condominium unit with a new transformer. Staff recommends that the Commission find that FPL has not violated any applicable statute, rule, company tariff, or order of the Commission in maintaining its transformers.

### **Safety Standards**

Mr. Blanco also alleges in his complaint that FPL is in violation of safety standards. Without specific allegations, Mr. Blanco cites Section 366.04, F.S., which states that the Commission shall have exclusive jurisdiction to prescribe and enforce safety standards for transmission and distribution facilities of all public electric utilities. Section 366.04, F.S., provides that in adopting safety standards, the Commission shall, at a minimum:

- (a) Adopt the 1984 edition of the National Electrical Safety Code (ANSI C2) as initial standards; and
- (b) Adopt, after review, any new edition of the National Electrical Safety Code (ANSI C2).<sup>4</sup>

On November 7, 2017, FPL and Commission staff met with Mr. Blanco and condominium management at South Winds Condominium. Commission technical staff performed a complete safety inspection of all transformers in the condominium community and reported that there were

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<sup>4</sup> Rule 25-6.0345, F.A.C., incorporates by reference the 2017 National Electrical Safety Code (NESC). Mr. Blanco cites the 2012 edition of the NESC which is now superseded by the 2017 NESC. The language in Part 1: Safety Rules for Electric Supply Stations, Rule 152 A. is identical in both the 2012 and 2017 editions.

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satisfactory conditions. The allegations made by Mr. Blanco that are based on a violation of safety standards have been fully addressed by FPL. On September 7, 2017, FPL explained to Mr. Blanco that a transformer that is flooded should cause the fuse to open and de-energize the facility. As stated above, FPL inspects all transformers every 5 years. Therefore, staff recommends that the Commission find that no safety standards specified in the National Electrical Safety Code have been violated.

### **Conclusion**

Staff recommends that the Commission find that FPL did not violate any applicable statute, rule, standard, company tariff or order of the Commission in maintaining the transformers at issue in Mr. Blanco's complaint, including the transformer next to Mr. Blanco's unit at South Winds Condominium. Staff recommends that Mr. Blanco's formal complaint be denied.

**Issue 2:** 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 issuance of a consummating order. (Page)

**Staff Analysis:** 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 issuance of a consummating order.