



Public Service Commission

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RECORDS AND REPORTING

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RECEIVED-FPSC

DATE: FEBRUARY 8, 2001

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF LEGAL SERVICES (ISAAC) *NRVE*
DIVISION OF CONSUMER AFFAIRS (RASBERRY) *BJR*
DIVISION OF SAFETY & ELECTRIC RELIABILITY (BREMEN, RUEHL) *JDJ*

RE: DOCKET NO. 000678-EI - COMPLAINT AGAINST FLORIDA POWER & LIGHT COMPANY REGARDING PLACEMENT OF POWER POLE AND LINES BY PABLO ACOSTA.

AGENDA: 2/20/01 - REGULAR AGENDA - DECISION ON STIPULATION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\000678s.RCM

CASE BACKGROUND

On November 4, 1999, Division of Consumers Affairs (CAF) received correspondence from Mr. Pablo Acosta regarding power poles located on Southwest 27th Terrace, west of 30th Avenue, in Miami, Florida. He requested that Florida Power & Light Company (FPL) remove the power pole in front of his house and another house at 3015 Southwest 27th Terrace.

On November 12, 1999, CAF also received correspondence from Mr. & Mrs. Oscar Rodriguez regarding similar power pole issues. Mr. & Mrs. Rodriguez stated that they and a number of other residents, including Mr. Acosta, had tried to resolve the problem with FPL and their city government about the installation of commercial concrete poles (16" x 16") in their residential area. They alleged that this installation was without prior notification to the homeowners, and stated that there were no hearings to discuss the installation. Mr. Oscar Rodriguez became the

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spokesperson for the affected residents, who were concerned about the following issues as they relate to the concrete power poles:

- Decrease in property value;
- Health conditions associated with high voltage power poles;
- Radio reception interference;
- Conformity to adjacent neighborhoods which have underground power lines;
- Hazardous conditions to pedestrians subjecting residents to liability because of sidewalk placement of some of the power poles;
- Electrical discharges on humid days from the pole connectors, located a few feet from front doors;
- Exposure to higher risk of electrocution during storms or wire breakage.

On November 15, 1999, CAF sent the complaint to FPL. The company responded on December 8, 1999. FPL stated that a new pole line on Southwest 27th Terrace in Miami was needed to accommodate a feeder tie as part of a new feeder out of Coconut Grove Substation. FPL contended that "[t]he new feeder is necessary to bring additional electrical capacity and improve the reliability of this area. This route was chosen because it was the most direct and cost-effective route to meet the electrical needs of the area." Originally, FPL stated that the poles were scheduled to be installed on the north side of Southwest 27th Terrace. After its meeting with a City of Miami representative and some customers to discuss an alternative route, FPL reported that an agreement was reached that the south side would be less intrusive to the neighborhood. The company stated that it could replace ten existing distribution poles and four existing street light poles and add five new poles to accommodate the new line.

On December 22, 1999, CAF sent Mr. Acosta a letter explaining the outcome of the investigation. Based on the complaint, FPL's response and staff's own investigation, staff concluded that FPL had complied with all applicable rules and its tariffs.

CAF received a letter from the Concerned Residents of Southwest 27th Terrace, Miami, Florida, on December 28, 1999, objecting to the outcome of the investigation and requesting an informal conference. The letter also had an attachment containing a list of the affected customers. Ms. Anisia M. Cid, who had filed a previous complaint (Request No. 298251C) with us was included in the list. Her complaint was incorporated into Mr. Pablo Acosta's complaint.

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On April 28, 2000, an informal conference was held with the parties, as well as local government officials. The conference was concluded without a settlement. On July 6, 2000, the Commission issued Order No. PSC-00-1219-PAA-EI finding that FPL had complied with the National Electric Safety Code, and requesting FPL to submit information on proposed options and reasonable alternatives to the pole placement along Southwest 27th Terrace and the associated costs.

On November 15, 2000, FPL filed a form Settlement Agreement dated October 31, 2000, and signed by all of the parties. On December 13, 2000, FPL filed the Settlement Agreement, along with a Request for Confidential Classification. On January 25, 2001, by Order No. PSC-01-0233-CFO-EI, the request for confidential classification was approved. This recommendation addresses the settlement agreement between FPL and certain residents identified as "Concerned Residents of Southwest 27th Terrace." The Commission has jurisdiction to approve the settlement under Section 366.05, Florida Statutes.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the settlement agreement between Florida Power & Light Company and Pablo Acosta, Anisia Cid, and other concerned residents of Southwest 27th Terrace, Miami, Florida?

RECOMMENDATION: Yes. The Commission should approve the settlement agreement because it provides a satisfactory resolution of the issues in this complaint and satisfies the requirements of Rule 25-22.032(10), Florida Administrative Code. (ISAAC, BREMAN, RUEHL)

STAFF ANALYSIS: Pursuant to Rule 25-22.032(10), Florida Administrative Code, a settlement reached by parties to a customer complaint shall indicate that it is binding on both parties and that the parties waive any right to further review or action by the Commission. As stated in the settlement agreement, FPL and Pablo Acosta, Anisia Cid, and other concerned residents of Southwest 27th Terrace, Miami, Florida (concerned residents), agree that this

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settlement represents satisfactory resolution of the issues in this docket and waive any right to further review or action by the Commission. The parties also agree that this settlement is binding upon them.

Florida Power & Light Company (FPL) has filed a Request for Confidential Classification of certain portions of the settlement agreement, which was granted by Order No. PSC-01-0233-CFO-EI. In addition, the parties agreed not to publicly disclose any of the terms of the settlement agreement, except to the extent required by law or upon written agreement of the other Party or its representative. Based on the foregoing, staff recommends that the Commission approve the settlement agreement because it provides satisfactory resolution of the issues of this complaint docket and satisfies the requirements of Rule 25-22.032(10), Florida Administrative Code.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed because no further action by the Commission is necessary. (ISAAC)

STAFF ANALYSIS: The parties agree that the settlement represents a satisfactory resolution of the issues in this docket and waive any right to further review or action by the Commission. Therefore, this docket should be closed.