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February 20, 2006

**VIA HAND DELIVERY**

060147-E1

Ms. Blanca S. Bayo  
Director, Division of the Commission  
Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard, Room 110  
Tallahassee, FL 32399-0850

**Re: In re: Petition of Florida Power & Light Company to Initiate  
Rulemaking to Amend Rule 25-6.034, Standard of Construction**

Dear Ms. Bayo:

Enclosed for filing in the above-referenced matter, please find the original and seven (7) copies of Florida Power & Light Company's Petition to Initiate Rulemaking to Amend Rule 25-6.034, Standard of Construction.

Please acknowledge receipt of this filing by stamping the extra copy of this letter "filed" and returning same to me. Also included herewith is a computer diskette containing FPL's Petition in Word.

Please do not hesitate to contact me at (561) 304-5134 should you have any questions regarding this filing.

Sincerely,

Patrick M. Bryan  
Attorney  
Florida Power & Light Company

PMB/bjw  
Enclosures

cc: Harold A. McLean, Esquire (via U.S. Mail)  
Office of Public Counsel

DOCUMENT NUMBER-DATE

01484 FEB 20 06

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition of Florida Power & Light ) Docket No. \_\_\_\_\_  
Company to Initiate Rulemaking to Amend )  
Rule 25-6.034, Standard of Construction ) Filed: February 20, 2006

**PETITION OF  
FLORIDA POWER & LIGHT COMPANY  
TO INITIATE RULEMAKING TO AMEND  
RULE 25-6.034, STANDARD OF CONSTRUCTION**

Florida Power & Light Company (“FPL”), by and through its undersigned counsel and pursuant to Section 120.54(7)(a), Florida Statutes, and Rule 28-103.006 F.A.C., files its Petition to Initiate Rulemaking to Amend Rule 25-6.034, relating to standard of construction for electric utilities in Florida. All pleadings, notices and other documents filed or served in this Docket should be provided to the following:

Patrick M. Bryan, Esquire  
Law Department  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5134 (Voice)  
(561) 691-7305 (Facsimile)  
Patrick\_Bryan@fpl.com

William G. Walker, III  
Vice President, Regulatory Affairs  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301  
(850) 521-3910 (Voice)  
(850) 521-3939 (Facsimile)  
Bill\_Walker@fpl.com

1. This Petition is filed pursuant to Section 120.54(7)(a), Florida Statutes, which provides that any person regulated by an agency or having substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule. This Petition requests that the Florida Public Service Commission (the “Commission”) initiate rulemaking to amend Rule 25-6.034, Florida Administrative Code, appended hereto as

Exhibit A, relating to standard of construction for electric utilities in Florida. The amendments to the Rule sought by FPL are attached to this Petition as Exhibit B. The Commission has authority to amend this rule pursuant to Florida Statutes Sections 350.127(2), 366.04(2)(c), (5), 366.05(1).

2. On January 30, 2006, FPL filed with the Commission and published “STORM SECURE: FPL’s Five Point Plan to Build a Stronger Grid for the Future.” The Storm Secure Plan explains the steps that FPL proposes to take to substantially increase the resistance of its distribution, transmission and substation network to severe weather impacts. An important element of the Storm Secure Plan is the “hardening” or strengthening of FPL’s electrical infrastructure. FPL proposes to achieve this by (a) adopting NESC extreme wind velocity zone criteria as the standard for all new distribution construction and system upgrades (up to 150 mph in certain areas) using construction methods such as undergrounding, stronger poles (including concrete poles where appropriate), shorter spans, and guying, (b) upgrading existing overhead main lines (feeders) initially targeting those serving top critical infrastructure facilities and major thoroughfares within the first five years, with the objective of applying NESC extreme wind-loading criteria where feasible and practical, and (c) replacing targeted components of remaining transmission and substation facilities constructed under legacy standards – all as part of a comprehensive, detailed ten-year hardening plan for distribution, transmission and substation infrastructure. Amendment of Rule 25-6.034, as requested by FPL in this filing, is a necessary step to implementation of the Storm Secure Plan.

3. FPL has a substantial interest in the adoption of the proposed rule. FPL is a public utility subject to the jurisdiction of the Commission under Chapter 366, Florida

Statutes (2005). FPL's General Offices are located at 9250 West Flagler Street, Miami, FL 33174.

4. Two extraordinary hurricane seasons and the prospect of more active and intense storm seasons in the coming years have made it clear that significant changes are required in the way that Florida public utilities design, construct and operate their electrical systems. This is particularly true for FPL, whose service area has experienced the direct hit of five hurricanes as well as the impact of two others in 2004 and 2005. Standards that have worked well and provided customers with reliable service in the past will need to be enhanced going forward. Florida generally, and South Florida in particular, are much more heavily and densely populated than they were at the time of Hurricane Andrew; customers' expectations have changed; and there is good evidence that we are in a more active part of a multi-decade hurricane cycle and can expect more frequent and intense storm events. Certainly, this is the belief of most Floridians as well as that of state and local government at all levels.

5. On January 23, 2006, the Commission held an Electric Infrastructure Workshop in Tallahassee. One of the objectives of the workshop was to "explore methods of designing and building transmission and distribution systems which will minimize long term outages and restoration costs...." Through Storm Secure, and subject to Commission approval of the steps to implement its plan, FPL intends to work to address the expectations discussed above, consistent with the public interest in a more resilient electric infrastructure.

6. Benefits of the proposed amendment to Rule 26-6.034 include the following:

(A) Strengthening the electrical infrastructure is a necessary and critical step in the process of mitigating severe weather impacts on electrical facilities.

(B) Long term benefits to all customers will result from enabling the targeted strengthening of electrical facilities to enhance their ability to withstand extreme weather events. These benefits include the reduction in the number and duration of outages and more rapid restoration of all customers when outages do occur, particularly to critical infrastructure facilities and to main thoroughfares where businesses that provide basic necessities such as gas stations and grocery stores are located.

(C) A reduction in future storm and hurricane restoration costs to a utility's general body of customers.

7. Although the additional investment in rate base and other costs that will be incurred by utilities that implement new standards in accordance with the proposed revisions to Rule 25-6.034 will not be insignificant, FPL submits that such measures and expenditures are prudent and reasonable considering the benefits described above and, in particular, from the standpoint of public policy concerns that strongly favor a more storm-resilient electric infrastructure. Accordingly, FPL requests that the Commission acknowledge the public interest of and in the actions contemplated by the proposed amendment to Rule 25-6.034 as it relates to FPL's Storm Secure plan, by initiating the requested rulemaking and adopting the proposed amendment at the earliest possible date.

8. To facilitate implementation of its Storm Secure plan, FPL respectfully requests that this petition be acted upon on an expedited basis.

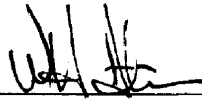
WHEREFORE, Petitioner, Florida Power & Light Company respectfully requests that the Commission initiate rulemaking to amend Rule 25-6.034, Florida Administrative

Code, as set forth in Exhibit B hereof, in accordance with Section 120.54, Florida Statutes.

Dated: February 20, 2006

Respectfully submitted,

Patrick M. Bryan, Esquire  
Law Department  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
Telephone: (561) 304-5134  
Facsimile: (561) 691-7305

By   
\_\_\_\_\_  
Patrick M. Bryan  
Fla. Bar No. 0457523

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing "Petition to Initiate Rulemaking to Amended Rule 25-6.034, Standard of Construction" has been furnished by electronic mail on this 20<sup>th</sup> day of February, 2006, to the following:

Harold A. McLean, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

By: 

Patrick M. Bryan, Esquire  
Fla. Bar No. 0457523

## EXHIBIT A – Current Version

### **25-6.034 Standard of Construction.**

(1) The facilities of the utility shall be constructed, installed, maintained and operated in accordance with generally accepted engineering practices to assure, as far as is reasonably possible, continuity of service and uniformity in the quality of service furnished.

(2) The Commission has reviewed the American National Standard Code for Electricity Metering, 6<sup>th</sup> edition, ANSI C-12, 1975, and the American National Standard Requirements, Terminology and Test Code for Instrument Transformers, ANSI-57.13, and has found them to contain reasonable standards of good practice. A utility that is in compliance with the applicable provisions of these publications, and any variations approved by the Commission, shall be deemed by the Commission to have facilities constructed and installed in accordance with generally accepted engineering practices.



## EXHIBIT B -- Proposed Amendment

### 25-6.034 Standard of Construction.

(1) The facilities of the utility shall be constructed, installed, maintained and operated in accordance with generally accepted engineering practices to assure, as far as is reasonably possible, continuity of service and uniformity in the quality of service furnished. In support of the public interest in strengthening electrical facilities to enhance their ability to withstand extreme weather events, a utility may exceed the minimum requirements of generally accepted engineering practices.

(2) The Commission has reviewed the American National Standard Code for Electricity Metering, 6<sup>th</sup> edition, ANSI C-12, 1975, and the American National Standard Requirements, Terminology and Test Code for Instrument Transformers, ANSI-57.13, and has found them to contain reasonable standards of good practice. A utility that is in compliance with the applicable provisions of these publications, and any variations approved by the Commission, shall be deemed by the Commission to have facilities constructed and installed in accordance with generally accepted engineering practices.