

Kay Flynn

ORIGINAL

To: Rose Thompson
Cc: Hong Wang; Blanca Bayo; Marcia Sharma
Subject: FW: Oral Modification to Agenda Item 5

Rose, we received this after five on Monday. It will not change the issue/rec language on the agenda document or vote sheet.

I'll print the e-mail for the docket file, however.

Kay

From: Mary Bane
Sent: Monday, December 04, 2006 5:10 PM
To: Larry Harris
Cc: Betty Ashby; Chuck Hill; Michael Cooke; David Smith; Tim Devlin; Bob Trapp; Roberta Bass; Cayce Hinton; Manuel Arisso; William C. Garner; Jeremy Susac; Kay Flynn
Subject: RE: Oral Modification to Agenda Item 5

approved.

From: Larry Harris
Sent: Monday, December 04, 2006 3:53 PM
To: Mary Bane
Cc: Betty Ashby; Chuck Hill; Michael Cooke; David Smith; Tim Devlin; Bob Trapp
Subject: Oral Modification to Agenda Item 5

Staff requests permission to make an oral modification to Item 5 on the December 5, 2006 Agenda Conference (DNs 060172 and 060173, the storm hardening rules). Specifically, staff requests permission to delete part of the text of Rule 25-6.0342(5), located on page 32, lines 15 -16, as follows:

(5) Attachment Standards and Procedures: As part of its storm hardening plan, each utility shall maintain written safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles (Attachment Standards and Procedures). The Attachment Standards and Procedures shall meet or exceed the edition of the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to Rule 25-6.034(2), F.A.C., ~~and other applicable standards imposed by state and federal law~~ so as to assure, as far as is reasonably practicable, that third-party facilities attached to electric transmission and distribution poles do not impair electric safety, adequacy, or pole reliability; do not exceed pole loading capacity; and are constructed, installed, maintained, and operated in accordance with generally accepted engineering practices for the utility's service territory.

The deletion is necessary to resolve a concern by the Joint Administrative Procedures Committee (JAPC) staff attorney about this subsection of the rule. The JAPC attorney asserts that the phrase is vague, in that a person reading the rule would not know what these other standards are, or where they could be located. Staff believes the language is superfluous to the meaning and intent of the subsection, and therefore concurs with the opinion of the JAPC staff attorney.

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