

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-6.061, )	DOCKET NO. 900878-EU
F.A.C., Relocation of Poles. )	ORDER NO. 24053
_____ )	ISSUED: 2/1/91

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-6.061, F.A.C., relating to relocation of poles.

The attached Notice of Rulemaking will appear in the February 8, 1991, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Friday April 19, 1991  
 Room 122, Fletcher Building  
 101 East Gaines Street  
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than March 1, 1991.

By Direction of the Florida Public Service Commission, this  
1st day of FEBRUARY, 1991.

\_\_\_\_\_  
 STEVE TRIBBLE, Director  
 Division of Records & Reporting

( S E A L )

CM

amd9878c

by: Kay Flynn  
 Chef, Bureau of Records

DOCUMENT NUMBER-DATE

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FSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 900787-EU

RULE TITLE:

RULE NO.:

Relocation of Poles

25-6.061

PURPOSE AND EFFECT: The proposed rule changes would clarify the utilities' responsibilities when required by governmental authority to convert to underground facilities, or to remove or relocate its facilities from the public road right-of-way pursuant to Section 337.403, Florida Statutes, or to locate new facilities in a less economical location. If a public utility is required to install or convert overhead to underground distribution facilities, or locate and construct overload facilities in a manner that is not the most economical, the utility or its general body of ratepayers would not be required to bear any of the additional cost of making the necessary changes.

SUMMARY: If a public utility is required by governmental or other valid authority to remove or relocate its facilities from the public road right-of-way pursuant to Section 337.403, Florida Statutes, the utility must do so in the most economical manner practicable. If a governmental authority requires removal or relocation that is not in the most economical manner, neither the utility nor its general body of ratepayers shall be required to bear any additional costs required by such more expensive removal or relocation. If a public utility is required by governmental or

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other valid authority to install underground distribution facilities, or to convert existing overhead distribution to underground, or to locate and/or construct overhead facilities in a manner that is not the most economical, the utility or its general body ratepayers, absent an order of the Commission, shall not be required to bear any of the additional costs associated with such requirements.

RULEMAKING AUTHORITY: 366.05(1), F.s.

LAW IMPLEMENTED: 366.04(7), 366.05(3), 366.05(1), 337.403, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: There should be no additional costs to the Florida Public Service Commission due to implementation of the proposed rule changes since there would be no additional paperwork or labor necessary. Public utility companies and their general body of ratepayers would benefit from the proposed rule changes because uneconomical or unnecessary costs associated with government-mandated conversion or relocation of facilities in a particular locale would be borne by the cost-causer, absent an order of the Commission. The additional costs would not be paid by the general body of ratepayers.

None of the public utility companies affected are small businesses. Small businesses that are customers of public utilities would benefit by not having to pay a portion of costs for uneconomical pole moving or removal that were created in another locale.

The proposed rule changes would treat each public utility equally

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and should not affect their competitive status. The rule changes should not affect employment.

Data requests were sent to public utilities to assess their experiences and estimations of facilities' relocation. Discussions were held with staff from the Division of Electric and Gas. Standard microeconomic analysis was used to determine the economic impact of the proposed rule revision.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., Friday, April 19, 1991

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE RULE IS:

**25-6.061 Relocation of Poles.**

(1) When a public utility is required by governmental or other valid authority to move poles, as, for example, the widening of streets or from public to privately-owned right-of-way, the utility is not required to furnish a new service entrance. It shall, however, run a service drop to the nearest point that meets local

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or national code requirements on each building served from the new pole location and remove the old service drop without expense to the customer.

(2) If the public utility relocates its poles of its own volition, the utility shall supply and connect a new service entrance and remove the old without cost to the customer; or the utility may attach its system to the existing service entrance without expense to the customer, provided that local or national code requirements are met.

(3) If a public utility is required by governmental or other valid authority to remove or relocate its facilities from the public road right-of-way pursuant to section 337.403, Florida Statutes, the utility shall do so in the most economical manner practicable. If a governmental or other valid authority requires removal or relocation that is not in the most economical manner, neither the utility nor its general body of ratepayers shall be required to bear any additional costs required by such more expensive removal or relocation.

~~(3) If a utility is required by governmental or other valid authority to install underground distribution, and abandon overhead distribution, the utility shall not be required to bear any of the cost of making the necessary changes on the customer's premises, except for the removal of the overhead service drop.~~

(4) If a public utility is required by governmental or other

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valid authority to install underground distribution facilities or to convert existing overhead distribution facilities to underground, or to locate and/or construct overhead facilities in a manner that is not the most economical, the utility or its general body of ratepayers shall not be required to bear any of the additional cost associated with such requirements, absent an order of the Commission.

(5) ~~(4)~~ If the public utility elects to change an existing customer's service drop from overhead to underground, the utility shall bear all of the costs associated with the necessary changes.

Specific Authority: 366.05(1), F.S.

Law Implemented: 366.05(3), 366.05(1), 337.403, F.S.

History: 7/29/69, formerly 25-6.61.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carlton Gray

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission

DATE PROPOSED RULE APPROVED: January 29, 1991

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.