

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint against Florida  
Power & Light Company regarding  
placement of power pole and  
lines by Pablo Acosta.

DOCKET NO. 000678-EI  
ORDER NO. PSC-00-1219-PAA-EI  
ISSUED: July 6, 2000

The following Commissioners participated in the disposition of  
this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CONCERNING NATIONAL ELECTRIC SAFETY CODE COMPLIANCE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the proposed agency action discussed herein, is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

A. Background

On November 4, 1999, our Division of Consumers Affairs (CAF) received correspondence from Mr. Pablo Acosta regarding power poles west of 30th Avenue up to 27th Terrace, 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.

DOCUMENT NUMBER-DATE

08186 JUL-68

FPSC-RECORDS/REPORTING

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 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.

Prior to the start of the construction project, FPL stated that it received various complaints from the customers in that area. Due to this concern, FPL stated that its designer met on "various occasions with the customers of the area and made adjustments to the design to accommodate the customers' requests." FPL contended that all the customers were satisfied with the adjustments except Mr. Acosta, who was dissatisfied with a concrete self-support pole that was installed in the right of way line of his east property line. The company alleged that the self-support

pole was necessary, since a down guy was impossible to install due to an existing driveway.

On December 22, 1999, CAF sent Mr. Acosta a letter explaining the outcome of the investigation. 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 initials on the letter indicate that it was authorized by Mr. Oscar Rodriguez. 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.

On January 21, 2000, our staff reported the results of its field visit to CAF. Our staff spoke with Mr. Oscar Rodriguez and Ms. Anisia Cid on January 10, 2000, regarding the concrete pole issues. The residents expressed concerns for the new feeder on Southwest 27th Terrace between Southwest 30th Avenue and Southwest 32 Avenue. They continued to object to the concrete poles in their residential area. Mr. Rodriguez contended that FPL should have used Southwest 27th Street. He stated that this area has an existing feeder circuit, although it is in a residential area. Additionally, Mr. Rodriguez stated that since Southwest 27th Lane is a commercial area, FPL could have used that area. Our staff explained that FPL obtained a "Permit" from the City of Miami to do the installation.

CAF received a letter from Mr. Rodriguez on February 11, 2000, along with a copy of FPL's January 21, 2000, report regarding two proposals. The first proposal makes changes to the existing line and eliminates some of the structure. The alternative proposal considers a different route. Mr. Rodriguez did not accept the first proposal, and asked for additional information on the second one.

On February 22, 2000, CAF received a copy of FPL's response to Mr. Rodriguez. The company stated that it explored the possibility of a new feeder route through the easement south of Southwest 27th Terrace. It discovered that FPL does not have the required easements for a number of lots, which eliminated the second proposal. FPL stated that the only two feasible options are:

- The proposed modification of the existing lines to remove most of the self-support poles, including the pole in front of Mr. Acosta's home at no cost to the customers.
- Install its lines underground, in which case FPL will require a payment for the differential cost contribution.

Mr. Rodriguez did not accept the offers and continued his request for an informal conference.

On April 27, 2000, CAF staff received information from FPL regarding pole installation in other residential areas. FPL provided that similar installation has been installed in various residential neighborhoods in Sweetwater, Miami Beach, and Coral Gables, and that all of the installations were a result of a system upgrade to accommodate for load growth in the area. FPL reported that no problems were reported in these other residential areas with the installation. Further information regarding pole placement in residential areas was received by our staff on June 13, 2000. Again, FPL reported that similar poles are in residential neighborhoods, some even larger than the ones located on Southwest 27th Terrace. Company representatives also reported that Southwest 27th Terrace is in a predominantly overhead area, with some customers served from the rear and some from the front. The Company stated that the feeder tie was placed overhead on Southwest 27th Terrace because that was the cheapest method, following normal procedures.

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.

#### B. Decision

This Commission has jurisdiction under Section 366.04(6), to administer the NESC in Florida. In compliance with Section 366.04(6), Florida Statutes, the Commission has implemented Rule 25-6.0345, Florida Administrative Code (F.A.C.), incorporating the NESC standards for construction of new transmission and distribution facilities.

FPL representative, Rosanne Lucas, responded to staff's inquiry about safety concerns and the power poles on Southwest 27th Terrace. Ms. Lucas gave the following statement regarding the residents' safety concerns:

FPL installs all of its facilities, as per the NESC, using a multi-grounded system. This means that all hardware is intentionally connected to earth through a ground connection or connections of sufficiently low impedance and having sufficient current-carrying capacity to limit the buildup of voltages to levels below that which may result in undue hazard to persons or to connected equipment. Under normal conditions, this will prevent electrical discharges from occurring.

Based on staff's on-site inspection, we believe the power poles and related facilities were constructed in compliance with the NESC under the FPSC's Section 366.04(6), Florida Statutes, jurisdiction. The main problem with electrical discharging or "arching" is noise interference with television and radio reception. Although this was one of the residents' concerns regarding FPL's power pole placement, we do not have jurisdiction over such interference.

Under Section 366.04(2)(f), Florida Statutes, this Commission has authority to require the filing of data that may be reasonably available and necessary to exercise its jurisdiction. Although FPL is in compliance with the NESC and other legal requirements, we believe there may be other prudent alternatives to the current pole placement available to the company. Customer satisfaction is at issue in this situation, and FPL may want to consider this as a factor. FPL has made mention of two available options, which include underground distribution and modification of existing lines. We request FPL to submit information on the proposed options, along with any other reasonable alternatives to the current pole placement along Southwest 27th Terrace and the associated costs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that a finding was made that the National Electric Safety Code was complied with by Florida Power & Light Company on Southwest 27th Terrace Street. It is further

ORDERED that the provisions of this Order, except for Commission's request for Florida Power & Light Company to submit alternatives and costs to the current power pole placement on Southwest 27th Terrace, are issued as proposed agency action, and

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shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that this docket should remain open until the Commission has reviewed the alternatives and the costs submitted by Florida Power & Light Company.

By ORDER of the Florida Public Service Commission this 6th day of July, 2000.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 27, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.