

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-01-0491-AS-EI
ISSUED: February 27, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER APPROVING SETTLEMENT AGREEMENT

BY THE COMMISSION:

On November 4, 1999, the 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 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;

DOCUMENT NUMBER-DATE

02647 FEB 27 01

FPSO-RECORDS/REPORTING

- 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, our 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.

ORDER NO. PSC-01-0491-AS-EI
DOCKET NO. 000678-EI
PAGE 3

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, we issued Order No. PSC-00-1219-PAA-EI finding that FPL had complied with the National Electrical 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 December 13, 2000, FPL filed a Settlement Agreement, along with a Request for Confidential Classification. By Order No. PSC-01-0233-CFO-EI, issued January 25, 2001, the Request for Confidential Classification was granted.

This Commission has jurisdiction to approve the settlement under Section 366.05, Florida Statutes. 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 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.

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 our review of the settlement agreement, we find that it provides satisfactory resolution of the issues of this complaint and satisfies the requirements of Rule 25-22.032(10), Florida Administrative Code. Therefore, we hereby approve the settlement agreement.

Based on the foregoing, it is

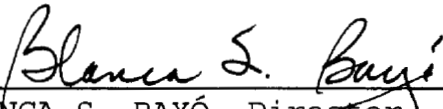
ORDERED by the Florida Public Service Commission that the settlement agreement between Florida Power & Light Company and

ORDER NO. PSC-01-0491-AS-EI
DOCKET NO. 000678-EI
PAGE 4

Pablo Acosta, Anisia Cid, and other concerned residents of Southwest 27th Terrace, Miami, Florida, is hereby approved. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 27th day of February, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

RNI

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida

ORDER NO. PSC-01-0491-AS-EI

DOCKET NO. 000678-EI

PAGE 5

Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.