

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint against Florida Power & Light Company regarding safety of transformers supplying power to six residential buildings in South Winds Condominium, by Manuel Blanco.

DOCKET NO. 20180087-EI
ORDER NO. PSC-2018-0411-PAA-EI
ISSUED: August 20, 2018

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING FORMAL COMPLAINT BY MANUEL BLANCO

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the 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 (F.A.C.).

I. Background

Section 366.03, Florida Statutes (F.S.), states that each public utility shall furnish to each person applying for service, reasonably sufficient, adequate, and efficient service. We have jurisdiction as set forth in Section 366.04, F.S., to regulate and supervise each public utility with respect to its rates and service.

Rule 25-22.032, Florida Administrative Code (F.A.C.), implements Chapter 366, F.S., and establishes informal customer complaint procedures that are designed to address disputes, subject to our jurisdiction, that occur between regulated companies and individual customers. Pursuant to this rule, any customer of a company that we regulate may file a complaint with our Office of Consumer Assistance & Outreach whenever the customer has an unresolved dispute with the company regarding electric, gas, water and wastewater service.

On September 7, 2017, Manuel Blanco filed an informal complaint against Florida Power & Light Company (FPL). In his complaint, Mr. Blanco states that he has concerns regarding the

clearance distance and the safety of FPL's pad-mounted transformers in South Winds Condominium community, in particular, the transformer located near his unit.

On March 21, 2018, our staff advised Mr. Blanco that his informal complaint had been reviewed. He was informed that based on this review, it did not appear that FPL had violated applicable statute, rule, company tariff or our orders.

Mr. Blanco was also notified by our staff that he had an opportunity to file a petition for formal proceedings. On April 3, 2018, Mr. Blanco filed a petition for initiation of formal proceedings. In the formal complaint, Mr. Blanco claimed that the transformer located near his unit and other transformers in the condominium community that are owned and operated by FPL do not meet FPL's and our clearance and safety standards.

This order addresses Mr. Blanco's complaint against FPL. We have jurisdiction over this matter pursuant to Section 366.04, F.S.

II. The Formal Complaint

Mr. Blanco's complaint concerns transformers by which FPL supplies electrical power to residential buildings at South Winds Condominium.¹ FPL supplies this energy to South Winds residents through one or two liquid-filled pad-mounted transformers for each building. Mr. Blanco alleged safety violations that FPL failed to meet the requirements of the 2012 edition of the National Electrical Safety Code for outdoor installations of liquid-filled transformers and failed to comply with its own 2017 Electric Service Standards. Mr. Blanco also alleged unsafe conditions, claiming that the transformers in South Winds Condominium may explode or ignite in standing water.

A. Transformer Clearances

The regulations and guidelines cited by Mr. Blanco concern mandatory access clearances to be maintained by FPL customers who have transformers situated near their property. In this regard, Mr. Blanco cites FPL's Electric Service Standards (ESS).² The ESS is intended to furnish information often required by customers to receive FPL's electric service.³ The ESS requires that FPL customers:

[M]aintain access to FPL to pad-mounted equipment located on the Customer's property (eight feet of clearance from the door side and three feet of clearance from the other sides from items such as fences, shrubs, and other obstructions are to be maintained by the Customer as shown in Fig V-1. FPL will help plan the

¹ South Winds Condominium is located in Miami, Florida.

² Electric Service Standards for Overhead, Underground and Residential Subdivision Areas, dated February 13, 2017, Section V: Page 1 of 6.

³ FPL states in the ESS that the ESS is subject to and subordinate in all respects to FPL's Tariff, as amended from time to time and approved by us, the Florida Administrative Code as it pertains to publicly held utilities, and provisions of the current edition of the National Electrical Safety Code.

Customer's installation of fences, shrubs, etc., near FPL's facilities such that they will not obstruct access or cause damage to FPL's facilities. Where adequate access to FPL facilities is maintained, faster service restoration is made possible in the event of a power interruption.)

The purpose of the clearances surrounding the transformer is for the performance of maintenance, repair, or replacement. FPL stated that the clearances are there for ease of installation and operation by their crews and to have a safe area in which to work. FPL further indicated that pad-mounted transformers do not explode or electrify in water.

On September 26, 2017, Ms. Katrine Negrin Hernandez, FPL Engineering Lead, informed Mr. Blanco by e-mail that a field investigation determined that the clearance in front of his transformer met the required clearance distance even though the clearance in the rear of the transformer was short of the required distance by only a few inches. Our staff has also determined that the clearances for Mr. Blanco's transformer in South Winds Condominium meet mandatory clearance allowances.

Ms. Hernandez also explained:

- (1) Published clearances are mainly for restoration and installation purposes and do not affect the operation of the transformer;
- (2) FPL does not provide manufacturer information; however, all transformers are manufactured to comply with company specific standards and are inspected every 5 years; and
- (3) Pad-mounted transformer locations are fully negotiated and agreed upon prior to the development of new buildings and homes; and customers requesting relocation of FPL's facilities will be responsible for the cost of relocation.

On November 8, 2017, Ms. Hernandez contacted Mr. Blanco and explained to him that in an effort to resolve his complaint, FPL agreed to replace the transformer and install a second concrete pad to raise the transformer level if possible. On November 13, 2017, an FPL inspection showed that there was not enough extra service cable length to accommodate a second concrete transformer pad. For this reason, FPL could not add a second concrete pad. On December 15, 2017, FPL replaced the pad-mounted transformer next to Mr. Blanco's condominium unit with a new transformer. FPL has not violated any applicable statute, rule, company tariff, or our orders in maintaining its transformers.

B. Safety Standards

Mr. Blanco also alleged in his complaint that FPL is in violation of safety standards. Without specific allegations, Mr. Blanco cites Section 366.04, F.S., which states that we shall have exclusive jurisdiction to prescribe and enforce safety standards for transmission and

distribution facilities of all public electric utilities. Section 366.04, F.S. provides that in adopting safety standards, we shall at a minimum:

- (a) Adopt the 1984 edition of the National electrical Safety Code (ANSI C2) as initial standards; and
- (b) Adopt, after review, any new edition of the National Electrical Safety Code (ANSI C2).⁴

On November 7, 2017, FPL and our staff met with Mr. Blanco and condominium management at South Winds Condominium. Our technical staff performed a complete safety inspection of all transformers in the condominium community and reported that there were satisfactory conditions. The allegations made by Mr. Blanco that are based on a violation of safety standards have been fully addressed by FPL. On September 7, 2017, FPL explained to Mr. Blanco that a transformer that is flooded should cause the fuse to open and de-energize the facility. As we stated above, FPL inspects all transformers every 5 years. Therefore, no safety standards specified in the National Electrical Safety Code have been violated.

III. Conclusion

We find that FPL did not violate any applicable statute, rule, standard, company tariff or our orders in maintaining the transformers at issue in Mr. Blanco's complaint, including the transformer next to Mr. Blanco's unit at South Winds Condominium. Thus, Mr. Blanco's formal complaint is denied.

Based upon the foregoing it is

ORDERED by the Florida Public Service Commission that Mr. Manuel Blanco's formal complaint is hereby denied. It is further

ORDERED that the denial of Mr. Blanco's formal complaint, issued as proposed agency action, shall become final and effective upon 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 Commission Clerk, 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 in the event this Order becomes final, this docket shall be closed.

⁴ Rule 26-6.0345, F.A.C., incorporates by reference the 2017 National Electrical Safety Code (NESC). Mr. Blanco cites the 2012 edition of the NESC which is now superseded by the 2017 NESC. The language in Part I: Safety Rules for Electric Supply Stations, Rule 152 A. is identical in both the 2012 and 2017 editions.

By ORDER of the Florida Public Service Commission this 20th day of August, 2018.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 10, 2018.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.