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July 9, 2001

John T. Butler, P.A.  
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**-VIA HAND DELIVERY-**

Ms. Blanca S. Bayó  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
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COMMISSION  
CLERK

**Re: Docket No. 010908-EI**

Dear Ms. Bayó:

In compliance with Rule 25-22.028, F.A.C., I am enclosing herewith for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Supplemental Comments on Gutman, Badillo and Leserra Complaints, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows 98, and the word processing software in which the document appears is WordPerfect 9.

Sincerely,



John T. Butler, P.A.

Enclosures

cc: Parties of record  
MIA2001/32200-1

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FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Complaint against Florida Power & Light Company regarding placement of power poles and transmission lines by Amy and Jose Gutman, Teresa Badillo and Jeff Leserra.	)	DOCKET NO. 010908-EI
	)	Filed: July 9, 2001
	)	
	)	
	)	

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**FLORIDA POWER & LIGHT COMPANY'S SUPPLEMENTAL  
COMMENTS ON GUTMAN, BADILLO AND LESERRA COMPLAINTS**

Florida Power & Light Company ("FPL"), pursuant to Rule 25-22.032, Florida Administrative Code ("F.A.C."), hereby respectfully files these supplemental comments on the complaints that have been submitted to the Commission staff by Amy and Jose Gutman ("Gutman"), Teresa Badillo ("Badillo") and Jeff Leserra ("Leserra") (collectively, Gutman, Badillo and Leserra will sometimes be referred to as the "Complainants," and their complaints will sometimes be referred to collectively as the "Complaints"):

**BACKGROUND**

1. During the latter part of 2000 and the first quarter of 2001, Gutman, Badillo and Leserra all complained to the Commission Staff about FPL's placement of a 230 kV transmission line that runs along a portion of the South Florida Water Management District's (the "District") Hillsboro Canal in northwest Broward County and southwest Palm Beach County, Florida. This transmission line (the "Parkland Line") connects FPL's newly-constructed Parkland substation to FPL's existing transmission system. A map showing the location of the Parkland Line, the Parkland substation, the general location of the Complainants' residences, and the point at which the Parkland

Line connects to the existing transmission system is attached hereto as Exhibit 1.

2. FPL is obligated by section 366.03 of the Florida Statutes to provide sufficient, adequate and efficient electric service. The Parkland substation is essential to provide such service in fast-growing northwest Broward and southwest Palm Beach Counties. The Parkland Line is, in turn, essential to feed electricity to the Parkland substation. After an extensive route-selection process in which several alternatives were studied, the present route of the Parkland Line was determined to be the best by a considerable margin. One of the advantages of locating the Parkland Line along the Hillsboro Canal is the resulting separation from residential property. As shown on Exhibit 1, the Parkland Line is located more than 180 feet south of the Boca Winds community where Gutman and Badillo reside. Although the line is closer to Leserra's residence, even here it is separated from the residence by Loxahatchee Road. While FPL aspires to achieve separation from residential property for all its transmission line routes, it is not always feasible to do so. The Parkland Line's route is an especially good one, from the perspective of minimizing customer impacts.<sup>1</sup>

3. FPL has previously responded to the Complaints, as contemplated in Rule 25-22.032(5)(a). Those responses are attached hereto as Exhibits 2 (Gutman), 3 (Badillo) and 4 (Leserra). Subsequent to FPL's filing those responses, the Commission Staff conducted two informal meetings with FPL and the Complainants in order to explore the possibility of settlement.

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<sup>1</sup> An additional advantage to locating the Parkland Line along the Hillsboro Canal is that the canal is an existing linear feature, and already has a road (another linear feature) co-located with it. Co-locating transmission lines along established linear features such as canals and roads demonstrates good land use planning. This is because multiple, separate linear features can restrict and disrupt the development patterns of a community. Therefore, minimizing the instances in which transmission line routes must add new linear features is always desirable.

While no mutually satisfactory resolution of the complaints has been reached, the meetings (which consumed nearly ten hours of meeting time) substantially focused and refined the nature of the Complaints. FPL submits these supplemental comments to address what it learned about the positions of the Complainants and Staff at the informal meetings.

4. The fundamental lesson of the informal meetings is this: the Complainants' concerns about the Parkland Line are not ones the Commission is empowered to address, and the relief that they seek is inconsistent with FPL's Commission-approved tariff and established Commission policy. The Complainants consider the Parkland Line unattractive and believe (although they have presented no supporting documentation) that the presence of the Parkland Line may reduce the value of their property. They are concerned about possible EMF effects from the Parkland Line, even though they appear to acknowledge that the line complies with the Florida Department of Environmental Protection ("FDEP") rules on EMF exposure. *See* Chapter 62-814, F.A.C. They speculate about possible consequences of the Parkland Line's collapse in the event of a hurricane or truck collision. And they question whether FPL is entitled to use the District's property. But not once did the Complainants meaningfully question compliance of the Parkland Line with the National Electrical Safety Code ("NESC")<sup>2</sup> or allege that they are not receiving adequate and reliable electric service. Furthermore, the Complainants consistently rejected FPL's offers to work with them toward

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<sup>2</sup> Even as to their speculative concerns about collapse of the Parkland Line, the Complainants offer nothing to suggest that the line does not comply with the NESC or other applicable standards. As FPL has previously explained to the Complainants, the pole designs were reviewed under American National Standards Institute (ANSI)/American Society of Civil Engineers (ASCE) 7, "Minimum Design Loads for Buildings and Other Structures" criteria (a national standard) and ASCE Manuals and Reports on Engineering Practice #74, "Guidelines for Electrical Transmission Line Structural Loading" criteria (an industry standard).

relocation of the Parkland Line pursuant to Section 5.3 of FPL's Electric Tariff. In short, the informal meetings made it abundantly clear that the Complainants want relief that the Commission is not in a position to give.

### COMMISSION COMPLAINT JURISDICTION

5. The Commission "is an administrative agency created by the legislature, and as such 'the Commission's powers, duties and authority are those and only those that are conferred expressly or impliedly by statute of the State.'" *Rolling Oaks Utilities v. Florida Public Service Com.*, 533 So.2d 770, 773 (Fla. 1<sup>st</sup> DCA 1988)(citations omitted). "Any reasonable doubt as to the lawful existence of a particular power that is being exercised by the Commission must be resolved against the exercise thereof ...." *City of Cape Coral v. GAC Utilities, Inc.*, 281 So.2d 493, 496 (Fla. 1973)(citations omitted).

6. The Commission does not have jurisdiction over the concerns that the Complainants have raised. It does not enforce issues of aesthetics, and it is not the proper forum for claims of diminished property value. *See Trawick v. Florida Power & Light Co.*, 700 So.2d 770 (Fla. 2<sup>nd</sup> DCA 1997)(Commission did not have jurisdiction over complaint that trimming of customer's trees by FPL was unnecessarily severe); *In re: Complaint and petition of John Charles Heekins against FPL*, 99 Order No. PSC-99-1054-FOF-EI, Docket No. 981923-EI, FPSC 5:324 (May 24, 1999) (Commission did not have jurisdiction over complaint that amounted to a claim for damages for alleged improper entry onto customer's property). Nor is it the Commission's job to resolve disputes concerning FPL's property rights over the land that FPL uses for its facilities. *See In re: Complaint of George and Irene Tabor against Florida Power & Light Company regarding relocation of*

*facilities not on an easement*, Order No. PSC-93-1382-FOF-EI, Docket No. 930807-EI, 93 FPSC 9:506 (September 21, 1993) (Commission did not have authority to resolve claim that FPL lacked a prescriptive easement over customer's property). The Florida Legislature has made issues of EMF effects from electric transmission lines the exclusive province of the FDEP. Section 403.061(30), Fla. Stat. And while the Commission has authority to regulate the safety of electric transmission lines, it has (as mandated by the Florida Legislature) adopted the NESC as the applicable standard for electric safety. Section 366.04(6), Fla. Stat., and Rule 25-6.0345, F.A.C. As noted above, the Complainants have not meaningfully questioned compliance with the NESC.

7. FPL and the Commission have an established mechanism to address the aesthetic or other personal concerns of customers over the location of FPL facilities. Section 5.3 of FPL's Electric Tariff provides that FPL will relocate facilities when requested by a customer "at the customer's expense to a location which is acceptable to FPL." The requirement in section 5.3 that the customer pay the costs associated with customer-requested facility relocation reflects the

Commission policy where practical to place additional costs on those customers who cause them, so other ratepayers who do not request special services such as facilities relocation are not required to subsidize those who do.

*In re: Complaint of Mr. Paul Leon and Mr. Joseph Olazabel against Florida Power & Light Company regarding tariff for moving electric light poles*, Order No. PSC-98-1385-FOF-EI, Docket No. 981216-EI, 98 FPSC 10:279 (October 15, 1998) (citation omitted); *see also In re: Complaint of Rich and Carole Samale against Florida Power & Light Company regarding utility pole relocation charges*, Order No. PSC-93-1029-FOF-EI, Docket No. 930361-EI, 93 FPSC 7:363 (July 13, 1993); *In re: Complaint of George and Irene Tabor (supra)*. As noted in the *Olazabel* order,

section 5.3 of FPL's Electric Tariff has the force of law. As such, FPL must follow it in circumstances where it is applicable.

### **FPL'S OFFERS TO RESOLVE THE COMPLAINTS**

8. Starting with FPL's initial contacts with the Complainants and extending through both of the informal meetings, FPL has offered options to relocate all or portions of the Parkland Line pursuant to section 5.3 of its tariff. Attached hereto as Exhibit 5 is a summary of the relocation options that FPL has developed at the conceptual level to address the various Complainants' concerns over the present line location. FPL remains willing to pursue any of these options with the Complainants.<sup>3</sup> To date, however, the Complainants have consistently refused even to consider paying line relocation expenses, as required by section 5.3. As a result, discussions have not proceeded past the conceptual level.

9. FPL has developed a proposal to landscape the northern portion of the right of way immediately adjacent to the Boca Winds neighborhood. As shown on the rendering attached hereto as Exhibit 6, this landscaping would consist of palm trees that would largely obscure the Parkland Line from view in that neighborhood. FPL has offered to perform this landscaping at no charge to the customers, in settlement of the Gutman and Badillo complaints before this Commission and the

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<sup>3</sup> Of course, the feasibility of any relocation option depends upon the ability to acquire necessary property rights along the route of that option. Because discussions of relocation options have not extended beyond the conceptual level, FPL has not explored in depth the availability or cost of the necessary property rights associated with the options described in Exhibit 5.

challenge that they and others have brought to FPL's permit from the District.<sup>4</sup> To date, however, the Complainants have rejected that offer.

**POTENTIAL CONSEQUENCES OF NOT DENYING THE COMPLAINTS**

10. In plain and simple terms, the Complainants want something that neither FPL nor this Commission is in a position to give them: relocation of the Parkland Line at the expense of FPL's general body of ratepayers, in order to address the Complainants personal distaste for the line. Nothing in the Commission's enabling statutes, its rules, or its past practice would warrant that special treatment. As a matter of law, the Commission must deny the Complaints.

11. Even if the Commission were not legally required to deny the Complaints, failure to do so would be bad policy. As shown on Exhibit 5, meeting these Complainants' specific demands would cost the general body of ratepayers more than \$3 million,<sup>5</sup> in direct contradiction to the Commission's well-established policy against subsidizing facilities that benefit only one or a small group of customers. And that would truly be just the tip of the iceberg, because of the potential precedential effect of such a decision. As discussed above, the current route of the Parkland Line best satisfies FPL's route-selection criteria. It is considerably more distant from the Boca Winds neighborhood than many other FPL transmission lines are from residences along their routes. Even in the case of Leserra, the Parkland Line is across a roadway from his residence, spacing that is not always possible along other transmission-line routes. There are numerous other customers just in

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<sup>4</sup> The landscaping proposal was originally developed at the request of the District, as a possible basis to resolve the Complainants' challenge to the permit issued by the District to FPL.

<sup>5</sup> As shown on Exhibit 5, this is the cost of the least expensive alternative FPL has identified that would address the concerns of Leserra as well as those of Gutman and Badillo.



Broward and Palm Beach Counties -- not to mention the rest of FPL's service territory -- who could claim that FPL transmission lines near their residences raise at least as much of a concern as the Parkland Line apparently does for the Complainants. Nor is the problem of transmission line location unique to FPL; to the contrary, every other electric utility that the Commission regulates faces the same challenges. If FPL were directed to relocate the Parkland Line at the expense of the general body of ratepayers, the Commission could expect to be flooded with similar complaints.<sup>6</sup> Relocating all the transmission facilities to which those complaints related would be enormously expensive at best and quite likely impossible.<sup>7</sup>

12. The Complainants have attempted to avoid this adverse-precedent issue by claiming that they are in a special circumstance because they were not given notice of FPL's intent to seek a permit for locating the Parkland Line along the Hillsboro Canal. This is a distinction without a difference. The Complainants have pointed to no required notice that FPL did not give. Moreover,

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<sup>6</sup> If any evidence is needed that customers who are dissatisfied with the location of FPL electric lines follow the Commission's handling of similar complaints very closely, the Pablo Acosta complaint provides it. The Commission approved a confidential settlement agreement between FPL and Mr. Acosta in February 2001. Notwithstanding the confidentiality of the Acosta settlement, the Complainants have made numerous references to it at the informal meetings, claiming that it demonstrates FPL's willingness to pay for facility relocation and should be a model for resolution of their Complaints.

<sup>7</sup> There is no reason why customers along any proposed relocation routes could not raise objections similar to the Complainants'. If the Commission respected those objections, viable overhead relocation routes might simply be unavailable. Nor would undergrounding likely be a viable alternative. The Commission has previously concluded that undergrounding transmission lines is not cost-effective even when external costs are considered. *In re: Investigation into the cost-effectiveness of undergrounding electric utility lines*. Order No. 23126-A, Docket No. 890833-EU (July 16, 1990). This conclusion is borne out by the cost of an underground alternative proposed to address the Boca Winds concerns, which is approximately ten times higher than the overhead relocation options that were proposed for that purpose. *See* Ex. 5.

the logic behind the Complainants' notice argument leads to the same open floodgates just discussed. The Complainants do not just want to know when and where FPL intends to install transmission lines; they want to participate in FPL's route-selection process, so that no transmission lines impose on their aesthetic preferences. There is no statutory authority for their demand, and attempting to accommodate it would paralyze FPL's construction of needed transmission facilities.

### CONCLUSION

13. FPL remains open to exploring any of the options discussed in Paragraphs 8 and 9 above to mitigate the impact of the Parkland Line on the Complainants. If the Complainants continue to reject those options and insist upon relocation of the Parkland Line at the expense of FPL's general body of ratepayers, however, the Complaints must be denied.

Respectfully submitted,

Steel Hector & Davis LLP  
Suite 4000  
200 South Biscayne Boulevard  
Miami, Florida 33131-2398

Attorneys for Florida Power & Light Company

By: Charles A. Moughtin for  
John T. Butler, J.A.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of FPL's Supplemental Comments on Gutman, Badillo and Leserra Complaints was served by hand delivery (\*) or mailed this 9<sup>th</sup> day of July 2001 to the following:

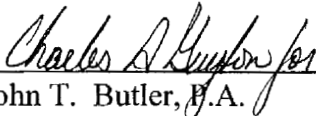
Robert V. Elias, Esquire \*  
Rachael N. Isaac, Esquire  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
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Tallahassee, FL 32399-0850

Harold A. McLean, Esquire \*  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Jose and Amy Gutman  
12643 Little Palm Lane  
Boca Raton, FL 33428

Teresa Badillo  
12280 St. Simon Drive  
Boca Raton, FL 33428

Jeff Leserra  
7200 Loxahatchee Road  
Pompano Beach, FL 33067

By:   
John T. Butler, P.A.

**EXHIBIT 1**



North

Parkland Sub

New Line to Parkland

Lox Road

Lesetta

(Badillo,  
Gutman)  
Boca Winds

Sandalford Sub

Existing N-S Corridor

**EXHIBIT 2**



## Customer Inquiry Response

**Customer's First Name:** JOSE  
**Last / Business Name:** GUTMAN  
**Alternate Name:**  
**Service Address:** 12643 LITTLE PALM LN  
BOCA RATON, FL 33428

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<b>FPSC Log:</b>	366172E	<b>Received From:</b>	Dick
<b>Account #:</b>	65488-00421	<b>Response Type:</b>	Final

*FINAL 5 PAGE*

### Response Comments:

On March 6, 2001, Cyril Stubbs, Power Systems Coordinator, contacted Mr. Gutman in response to his FPSC complaint, filed March 6, 2001, concerning the installation of an FPL transmission lines in the rear of his property. Mr. Gutman was advised that FPL would investigate the concern and respond with the findings. Mr. Stubbs provided the customer with his phone number should the customer have any questions while the investigation is pending.

Mr. Gutman's concern involves a 230 kV transmission line of 4.75 miles in length being constructed by Florida Power and Light in order to serve its Parkland substation (currently under construction). A 3.75 mile section of this line is being constructed adjacent to the Hillsboro Canal, and required permitting by South Florida Water Management District (SFWMD). FPL applied for a permit from SFWMD in May, 2000. The permit was granted by the Governing Board of SFWMD at its July 2000 meeting. Construction of the line began in late October 2000.

In November 2000, FPL Representatives met with twice Mr. Gutman and other representatives from his neighborhood. The homeowners requested FPL to identify alternatives for re-routing the section of transmission lines located parallel to their neighborhood. FPL provided cost estimates for two alternative overhead alignments. (An underground construction cost estimate was also provided but was deemed to be clearly cost prohibitive by both parties.) The first estimate would move the line from the north side of Loxahatchee Rd. to the south side of the road and was estimated at a cost of \$1.5 million (including easements from the affected private property owner and burial of a parallel distribution feeder along the route). A second cost estimate of \$1.6 million was provided for another alternative route, which moved the line deeper into the adjacent property on the south side of Loxahatchee Rd. (between 800' - 2600' into the affected parcel to follow interior farm roads). These cost estimates were qualified to Mr. Gutman and the other representatives with the following conditions:

1. The cost estimates were based on FPL's assessment of land values for the easements required, 2. The affected landowner would be willing to grant FPL the easements, 3. Mr. Gutman and his representatives agreed to pay for the full cost of the relocation of the affected portion of the line prior to its actual construction, and, 4. FPL required a \$20,000 engineering deposit to provide a detailed binding cost estimate for the work to be performed.

On March 7th, Mr. and Mrs Gutman sent additional information to the FPSC describing in detail their concerns with the installation of the FPL transmission poles and wires. Mr. Gutman expressed his concern with FPL's lack of notification to the homeowners affected by the installation of the FPL transmission facilities, the perceived loss of property value and quiet enjoyment by homeowners as well as safety and health concerns. The following is being submitted in response to the additional information submitted to the FPSC:

**1. LACK OF NOTIFICATION TO AFFECTED HOMEOWNERS:**

A) As indicated above, FPL was previously in contact with Mr. Gutman and other representatives from his neighborhood in November 2000. The poles in question are approximately 91 feet above ground and, are 180-190 feet from the property line of the homes adjacent to the north side of the Hillsboro Canal.

B) FPL's transmission lines are not regulated by local zoning departments. FPL is not aware of any local government requirements to notify customers prior to construction of transmission projects. FPL is not aware of any local government or regulatory agency requirements for an "Impact Study".

C) FPL met with Mr. Winikoff and other local government representatives to discuss specific future transmission line/substation projects, as identified by FPL. These discussions were initiated as a result of construction activity on our Rainberry substation being underway, and questions resulting from same.

D) FPL was not aware of the homeowners permitting requests with SFWMD while FPL was in the process of seeking its own approval. FPL followed all SFWMD requirements for obtaining the permit. FPL is not aware of any requirements to notify customers regarding Transmission line projects.

E) Because a major canal separates the location of FPL facilities from the homeowners properties, it was not deemed necessary for FPL engineers and surveyors to notify homeowners regarding this project. However; FPL employees communicate with property owners who approach them and inquire as to their presence in a particular area.



F) FPL Representative, Tony Newbold's, comments were taken out of context, and the issue was later clarified in the same meeting. The 300' - 500' distance for notification as questioned is a typical local government requirement for a land use/zoning change (as for an electric substation project.). Transmission lines are not regulated by zoning, and hence, Mr. Newbold was correct in saying that notification of this nature was not deemed necessary.

G) FPL is not required to send out certified mail notices to homeowners prior to power line siting in a community. FPL does comply with all local government and regulatory agency requirements for its projects.

H) FPL analyzed several alternative routes for this project. These analyses considered alternative alignments, environmental effects, long range planning, safety and costs. This route, collocated with other existing linear facilities (FPL distribution line, road, major canal) was identified to be the best route. The Florida Administrative Weekly notice was the requirement of the SFWMD permitting process. FPL complied with the SFWMD regulations. As stated above, the discussions with Mr. Winikoff were directed at other specific future projects.

## **2. FPL CHOICE OF LOWEST COST ALTERNATIVE:**

A) FPL chose the route along the Hillsboro Canal as a result of evaluating alternative alignments, environmental effects, long range planning, safety, and costs. FPL normal practices call for the relocation of portions of its existing transmission lines at the request of landowners. The requesting parties are those who benefit from the relocation, and therefore are expected to pay for the cost of the project. The \$300,000 figure cited was a ballpark estimate (at the time) of what FPL had spent at that time for the section of line being challenged by the homeowners. (The figure was subsequently updated to \$450,000).

B) The \$900,000 cost estimate assumes that the pole heights would remain the same as those along the current alignment (as moving the line to the south side of the ROW would require building over an existing FPL distribution feeder.) In order to provide for lower pole heights (approximately 70'-75' out of ground, rather than 90'), an additional \$600,000 would be required to convert the existing feeder from overhead to underground construction, so the total cost of this estimate is actually \$1.5 million. The conceptual cost estimate for underground conversion of the transmission lines was estimated at \$15.5 million. The \$20,000 cited was a typical engineering deposit that FPL collects from parties requesting that FPL Transmission facilities be relocated. This deposit provides for the completion of a detailed, binding cost estimate (bid), and would ultimately be applied to the project.

C) FPL is not aware of competent evidence concluding definitively that electrical facilities negatively impact property values. Furthermore, FPL receives dozens of requests yearly for the use of the land underneath/adjacent to its transmission lines as part of the components of both residential/commercial site plan development (ie. trails, play areas, green space, etc.)

Any minimal audible noise made by the transmission line is likely to be indistinguishable from the homeowners north of the Hillsboro Canal.

The transmission line is being constructed to serve a substation called "Parkland" which is located on the Broward-Palm Beach County line. While initially the substation will serve customer load in northwestern Broward County, the substation's service area will ultimately serve customers in Palm Beach County, and will provide support to existing customers north of the Hillsboro Canal, including those in Boca Winds, who are served currently by distribution feeders from more remote substations.

### **3. SAFETY AND HEALTH CONCERNS, LOSS OF ENJOYMENT, AND CUSTOMER DISSATISFACTION:**

A) The poles in question are 110' long, and are installed at a depth of 19'-6". They are directly set into the ground without need for solid wide footings. The design of the poles for this project does not require guy wires, like those referred to on the FPL web page. The SFWMD permit requires FPL to widen the top of the canal bank adjacent to several pole locations to a minimum 14 feet width to facilitate vehicles passing between the poles and top of bank of the canal.

B) The pole designs are reviewed under American National Standards Institute (ANSI)/American Society of Civil Engineers (ASCE) 7 "Minimum Design Loads for Buildings and Other Structures" criteria (a national standard) and ASCE Manuals and Reports on Engineering Practice #74, "Guidelines for Electrical Transmission Line Structural Loading" criteria (an industry standard). Utilizing these criteria and FPL design safety factors, these poles are designed to withstand a "basic wind speed" of 110 mph sustained wind, and 153 mph gust winds, with adjustments as required by the codes that take into account all the necessary terrain and other structural (such as aerodynamic and secondary) effects. These adjustments are applied to all structure components and wires.

C) FPL has provided documentation to the Florida Department of Environmental Protection (DEP) per the requirements of Chapter 62-814 for this project. The line is clearly within compliance limits. Under the maximum current rating for the transmission line, the predicted magnetic field is approximately 1 milligauss (mG) at the homeowners property lines north of the canal. According to a study of 992 homes completed by the Electric Power Research Institute (EPRI) in 1993, the typical American home has a back ground magnetic field level

(away from any appliances) that ranges from 0.5 mG to 4 mG with an average value of 0.9 mG. Most ordinary electrical appliances produce higher localized magnetic fields.

D) The electric and magnetic fields which this line is capable of producing, at the separation distance addressed, will be comparable to fields already present in ambient (pre-line construction) conditions. Several homeowners have previously requested pre/post construction fields measurements, which FPL is coordinating with them.

E) FPL transmission line designs are regulated by numerous codes, as stated in B) above. Also, safety is highly esteemed and practiced in all of FPL's engineering/design and work.

F) FPL has over 6200 miles of transmission lines and nearly 500 substations in its system. More than 90% of FPL's customer base is commercial and residential. As such, it is not uncommon to find transmission lines and substation sites in residential and commercial land use areas. Unfortunately, some communities find our facilities to be undesirable. We do honor a statutory obligation to serve, and ensure that we provide all of our customers with safe, reliable and low cost electric service.

It appears FPL is in compliance with F.A.C. #25-6.0345.

FPSC RECEIVED: 03/06/01- FINAL REPORT: 03/27/01

Approval Signature:	<u>Ramon Ferrer</u>
Approver's Title:	<u>Power Systems Supervisor</u>
Date of Approval:	<u>03/27/2001</u>

**EXHIBIT 3**



## Customer Inquiry Response

**Customer's First Name:** MANUEL  
**Last / Business Name:** BADILLO  
**Alternate Name:** TERESA BADILLO  
**Service Address:** 12280 SAINT SIMON DR  
BOCA RATON, FL 33428

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<b>FPSC Log:</b>	344754E	<b>Received From:</b>	Kate
<b>Account #:</b>	95559-38217	<b>Response Type:</b>	Final

1 of 2 PGS

### Response Comments:

On November 7, 2000, Ms. Teresa Badillo contacted the Florida Lt. Governor's office and, in turn, her concern was forwarded to the FPSC. Mrs. Badillo had requested that FPL provide her with a copy of a permit issued by the South Florida Water Management District and a copy of the regulation which states that residents within 500 feet of the construction must be notified. This request was forwarded to Blanca Nodar, Distribution Coordinator, for investigation. Mrs. Nodar spoke with Ms. Badillo on the same day and advised her that she would investigate her concern and contact her with the results. Mrs. Nodar provided her name and telephone number should the customer have any questions while her request was being investigated.

A facility expansion project is currently underway in the customer's area. This expansion work includes a new distribution substation (south of Glades Road and east of SR 7). This new distribution substation is in direct response to the growth of the overall area.

The current expansion work also includes a linear type electrical facility to serve this new substation. It is common for these linear facilities to coexist with established right-of-ways and corridors (roads, canals, railroad, etc.). The linear facility serving the new substation is planned for the east side of SR 7. FPL will be installing these facilities pursuant to South Water Management District Standard Permit #11367, issued July 13, 2000.

FPL followed all necessary procedures prior to construction of the distribution substation. Notifying the area's residents is the responsibility of their respective municipality.

**Badillo**  
**344754E**  
**Page Two**

On Wednesday, November 8, 2000, FPL representatives held a meeting with the homeowners' association members, Ms. Badillo included, to inform them of the work being conducted in the area. Ms. Badillo was also personally contacted by Daniel Hronec (FPL Law Department) on Friday, November 10, 2000 and again by Blanca Nodar on November 14, 2000, to reiterate FPL's position.

It appears FPL is in compliance with FAC.25-6.094.

Approval Signature:	<u>Bella F Pitliuk for Ramon Ferrer</u>
Approver's Title:	<u>Distribution Coordinator</u>
Date of Approval:	<u>11/17/2000</u>

**EXHIBIT 4**



FPL

## Customer Inquiry Response

**Customer's First Name:** JEFFREY  
**Last / Business Name:** LESERRA  
**Alternate Name:**  
**Service Address:** 7200 LOX RD  
PARKLAND, FL 33067

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<b>FPSC Log:</b>	<del>367987E</del>	<b>Received From:</b>	Kate
<b>Account #:</b>	73626-54431	<b>Response Type:</b>	Interim 1

### Response Comments:

On March 16, Blanca Nodar, Distribution Coordinator, contacted Mr. Leserra in response to his letter dated March 12, 2001, addressed to FPL Engineer, Daniel Hronec with copies to the FPSC where he expressed his concerns with a FPL transmission pole and lines being in close proximity to his home. Also, Mr. Leserra is concerned with safety and health issues possibly affecting his family. Mr. Leserra was advised that FPL would investigate his concerns and respond with the investigation findings. Ms Nodar provided the customer with her phone number should the customer have any questions while the investigation is pending.

Mr. Leserra's inquiry involves a 230 kV transmission line of 4.75 miles in length being constructed by Florida Power and Light in order to serve its Parkland substation (currently under construction). A 3.75 mile section of this line is being constructed adjacent to the Hillsboro Canal, and required permitting by South Florida Water Management District (SFWMD). FPL applied for a permit from SFWMD in May, 2000. The permit was granted by the Governing Board of SFWMD at its July 2000 meeting. Construction of the line began in late October 2000.

FPL Engineer, Dan Hronec spoke with Mr. Leserra on March 6 and March 12. On March 12, Mr. Leserra faxed the above referenced letter to Mr. Hronec together with a sketch outlining his specific concerns: the proximity of a pole on the transmission line to his home (the pole is 91 feet out of ground, and by Mr. Leserra's calculations is 69 feet from the closest point of his home), and health effects. The letter demanded the immediate removal of the pole in question.

During the telephone conversation on March 6, Mr. Leserra asked FPL to consider the feasibility of relocating the pole north or south along the line to increase the distance between the pole and his home. Also, Mr. Leserra indicated his concerns for the safety, health, and welfare of his family.



Mr. Hronec explained to Mr. Leserra that the FPL poles used on this transmission line project are 110 ft. long, set 19 feet-6 inches into the ground. The pole designs are reviewed under American National Standards Institute (ANSI)/American Society of Civil Engineers (ASCE) 7, "Minimum Design Loads for Buildings and Other Structures" (a national standard) and ASCE Manuals and Reports on Engineering Practice #74, "Guidelines for Electrical Transmission Line Structural Loading" criteria (an industry standard). Utilizing these criteria and FPL design safety factors, these poles are designed to withstand a "basic wind speed" of 110 mph sustained wind, and 153 mph gust winds, with adjustments as required by the codes that take into account all the necessary terrain and other structural (such as aerodynamic and secondary) effects. These adjustments are applied to all structure components and wires. Also Mr. Leserra was informed that in addition to complying with all these codes, safety is highly esteemed and practiced in all of FPL's engineering/design and work.

Mr. Hronec also explained to Mr. Leserra that FPL is in compliance with the Florida Department of Environmental Protection (DEP) Electric and Magnetic Fields (EMF) Rule, and directed him specifically to the DEP web site for detailed information. He had previously received an EMF information package from FPL.

On March 20, 2001, Mr. Hronec met Mr. Leserra to further discuss his concerns. Mr. Leserra reiterated his desire to have the pole in question moved (or new poles added within the line to allow for "re-spacing" of spans between poles so that there would be no pole across from his property). Mr. Leserra later withdrew this request, indicating that the re-spacing of poles would still leave the wires in close proximity to his home. Mr. Leserra indicated that in his opinion the problem would not be alleviated. Mr. Leserra requested the immediate removal of the poles and wires across Loxahatchee Rd. from his property.

Mr. Leserra expressed his concerns about the possible loss of value to his property as a result of the installation of the FPL transmission line. Mr. Leserra indicated that he and his family will eventually relocate (as the development encroaches around him), but he can not afford to do so at this time. He considers the placement of the transmission line a factor which will result in economic loss to him upon the ultimate sale of his property. Mr. Leserra was informed that FPL is not aware of competent evidence concluding definitively that electrical facilities negatively impact property values. Furthermore, FPL receives dozens of requests yearly for the use of the land underneath/adjacent to its transmission lines as part of the components of both residential and commercial site plan development (ie. trails, play areas, green space etc.)

Mr. Hronec and Mr. Leserra also spoke at length about the subject of EMF as it pertains to transmission lines. Mr. Leserra had been provided with a copy of the EMF compliance report which FPL has submitted to the Florida DEP (per the requirements of Chapter 62-814) for this project. There have been questions raised by several people as to why this submittal shows the transmission line construction to be on the south side of Loxahatchee Rd.

Jeffery Leserra

~~367987E~~

Page 3 of 3

This submittal was made to the DEP prior to the final approval from SFWMD for construction of the transmission line. Ultimately SFWMD concurred to a construction alignment along the north side of Loxahatchee Rd.

Mr. Hronec apologized to Mr. Leserra for the confusion that the recent inquiries have caused. Mr. Leserra was informed that FPL submitted an updated report to DEP which states that the location of the transmission line on the south side of the road shows the magnetic field at his property line to be 40.1 mG. This issue was of interest to Mr. Leserra due to his home being located on the south side of the road. Also, Mr. Hronec advised Mr. Leserra the transmission line on the north side of the road shows the magnetic field at his property line to be 14.2 mG. Under the maximum current rating for the transmission line, the predicted magnetic field is approximately 14 mG at Mr. Leserra's property line, well below the 150 mG limit per the DEP rule. A copy of the updated DEP EMF compliance report was faxed to Mr. Leserra.

On March 23, Mr. Leserra contacted Mr. Hronec and requested information pertaining to 1) The manufacturer's specifications for FPL's concrete transmission poles and 2) pole loading test data. Mr. Leserra was advised by Mr. Hronec that the requested information is proprietary information. Mr. Leserra was instructed to contact the pole manufacturer (Newmark-Bartow, FL) to receive non-proprietary information about the manufacturing of FPL transmission poles.

Mr. Leserra inquired about the vested title of the land and the responsibility of local governments to oversee/inspect the construction. Mr. Leserra was informed FPL complies with all local government and regulatory agency requirements for its projects. Mr. Leserra was advised it would be in his best interest to contact the SFWMD for more information to resolve these concerns.

FPL has over 6200 miles of transmission lines and nearly 500 substations in its system. More than 90% of FPL's customer base is commercial and residential. As such, it is not uncommon to find transmission lines and substation sites in residential and commercial land use areas. Unfortunately, some customers find our facilities to be undesirable. We do honor a statutory obligation to serve, and ensure we provide all of our customers with safe, reliable and low cost electric service. A Final Report, addressing Mr. Leserra's April 2, 2001 letter, will follow.

FPSC RECEIVED: 03/14/01 - INTERIM REPORT #1: 04/04/01

**NEXT REPORT DUE: 04/25/01**

Approval Signature:	<u>Ramon Ferrer</u>
Approver's Title:	<u>Power Systems Supervisor</u>
Date of Approval:	<u>04/03/2001</u>



Leserra.doc

**EXHIBIT 5**





FPL

## Customer Inquiry Response

**Customer's First Name:** JEFFREY  
**Last / Business Name:** LESERRA  
 Alternate Name:  
**Service Address:** 7200 LOX RD  
 PARKLAND, FL 33067

<b>FPSC Log:</b>	367987E	<b>Received From:</b>	Kate
<b>Account #:</b>	73626-54431	<b>Response Type:</b>	Final

PAGE 1 OF 3

### Response Comments:

In response to a letter dated April 2, 2001, from Mr. Jeff Leserra to Mr. Dick Durbin of the Florida Public Service Commission (FPSC), Mr. Leserra indicated that the purpose of his letter was to further make Mr. Durbin aware of the danger his family is presently exposed to as a result of FPL's transmission lines being in close proximity to his home.

#### Pre-load Posture of Cement Poles and Line Voltage:

Mr. Leserra makes reference to the poles being placed in a "staggered posture" due to the presence of a water main. The engineering analysis of this project takes into consideration that poles may require accommodating small deflection angles, which addresses Mr. Leserra's concerns.

The lines do not carry 1.5 million volts of electricity. The operating voltage for each conductor attached to the transmission poles is a nominal 230 Kilo-Volts ( KV), or 230,000 Volts. While there are multiple conductors attached to each transmission pole, the voltage of the conductors is not cumulative.

#### Eminent Danger:

Although FPL has not prepared a written response directly to Mr. Leserra's March 2, 2001 letter, it has responded to the letter in its communications to the FPSC, as referenced by Mr. Leserra. Furthermore, FPL staff have spoken to Mr. Leserra on numerous occasions, and in response to his March 2 letter, personally visited him. Per the request of Mr. Leserra, Electric Magnetic Field (EMF) readings were also taken on the property on April 4. These readings documented that the EMF values are well within the guidelines of Florida Administrative Code (F.A.C.) Chapter 62-814, Electric and Magnetic Fields.

**Additional questions asked in Mr. Leserra's March 2 letter:**

FPL Regulatory Affairs Supervisor, Roseanne Lucas and FPSC Complaint Resolution Supervisor, Carmen Pena reviewed Mr. Leserra's questions. It was determined that based on the subject matter of the questions FPL should respond to the concerns expressed in questions #3, 4, 5, 7, 8, 10, 13, and 20. The following responses are submitted to the agreed upon questions:

3). According to information provided by Mr. Leserra, the nearest transmission pole is 44 feet from the closest point on his property line. The transmission line is located on the north side of Loxahatchee Road and Mr. Leserra's property is located on the south side of Loxahatchee Road. The transmission conductors at the nearest point to Mr. Leserra's pool are approximately 62 feet above the ground on the north side of the road. The most conservative provision of the National Electrical Safety Code (NESC) governing vertical clearance of 230 KV transmission lines over or near swimming pools requires only 29 feet of clearance. Therefore, the subject line's vertical clearance easily meets and exceeds the Code's requirements.

4). The 230 KV transmission line will produce no known effect to the wiring in Mr. Leserra's dwelling.

5). The transmission line is designed in compliance with F.A.C. Chapter 62-814, Electric and Magnetic Fields. The canal does not reflect electric and magnetic fields.

7). According to information provided by Mr. Leserra, the property line is 44 feet from the transmission line, and the closest point of the home is 69 feet from the transmission line. The transmission line has been designed and located in compliance with the Florida Department of Environmental Protection's (FDEP) rules on exposure to electrical and magnetic fields, F.A.C Chapter 62-814.

8). We do not expect any impacts to these devices. FPL will work with Mr. Leserra to mitigate any impacts that can be directly attributable to the presence of the transmission line.

10). As noted above, the subject lines are rated at a nominal 230 KV or 230,000 volts, not the 1.5 million volts suggested by Mr. Leserra. The NESC provides requirements for electrical clearances of energized conductors (both vertical and horizontal) to buildings and other types of structures, based on the voltage of the conductors. This, in turn, may have an influence on how close poles may be able to be sited near residential and other structures. These requirements do not preclude being closer than the 44 foot offset from the property line cited by Mr. Leserra. Similarly, the FDEP's EMF rules implicitly place limits on the proximity of transmission lines to the edges of the right of ways in which they are located. Those limits are easily met by the subject lines. Generally, the standard zoning type building setback right of ways are well in excess of the separation required to demonstrate compliance with the rules.

Jeffrey Leserra  
367987E  
Page 3 of 3

13). FPL had no obligation to send Mr. Leserra notice of the erection of these transmission poles and lines. While not required by law, FPL has responded to customer feedback by initiating a program this year to provide informal notice to adjacent property owners of planned transmission line routes prior to construction.

20). The subject transmission lines are part of the Parkland Substation Project.

FPL is in compliance with the F.A.C.

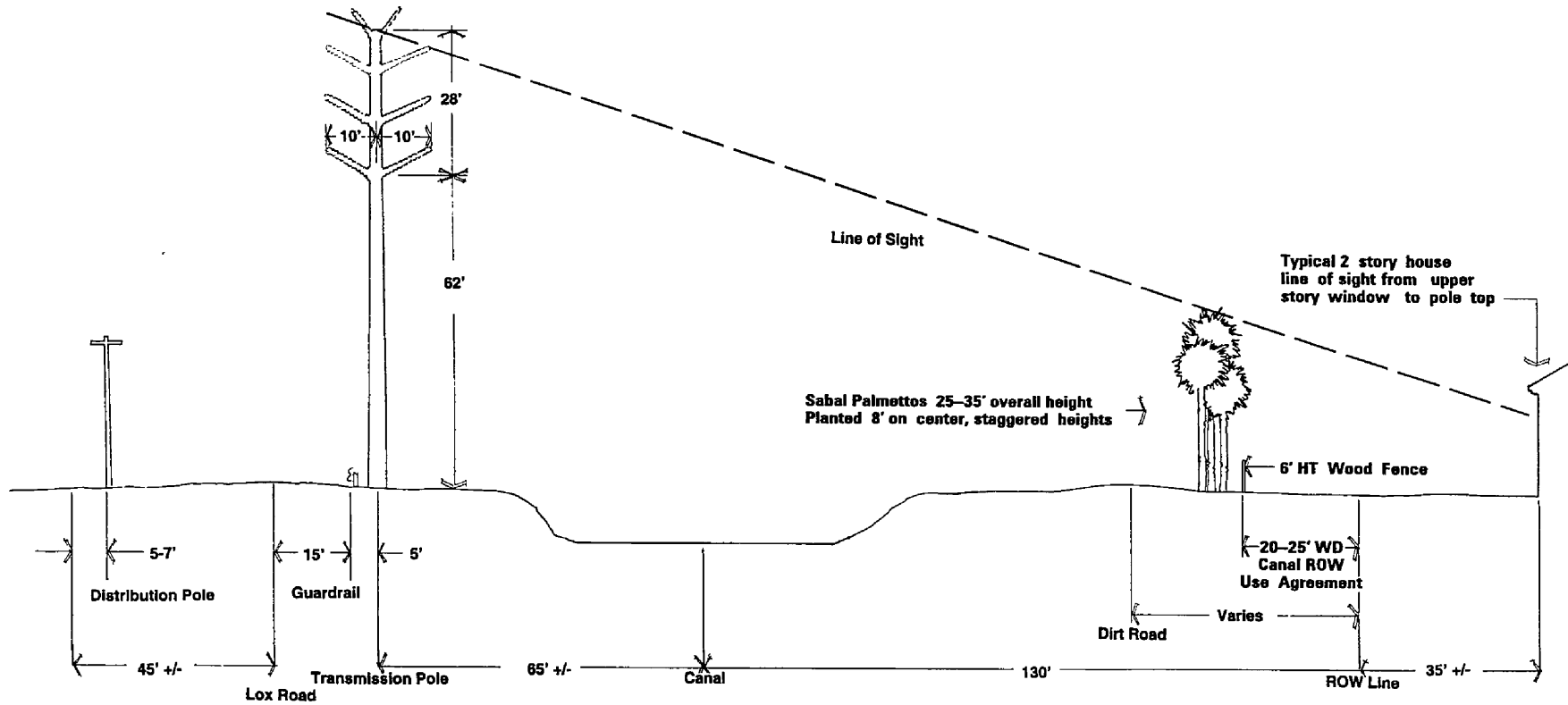
INTERIM REPORT #1: 04/04/01 - FINAL REPORT: 04/25/01

Approval Signature:	<u>Ramon Ferrer</u>
Approver's Title:	<u>Power Systems Supervisor</u>
Date of Approval:	<u>04/25/2001</u>

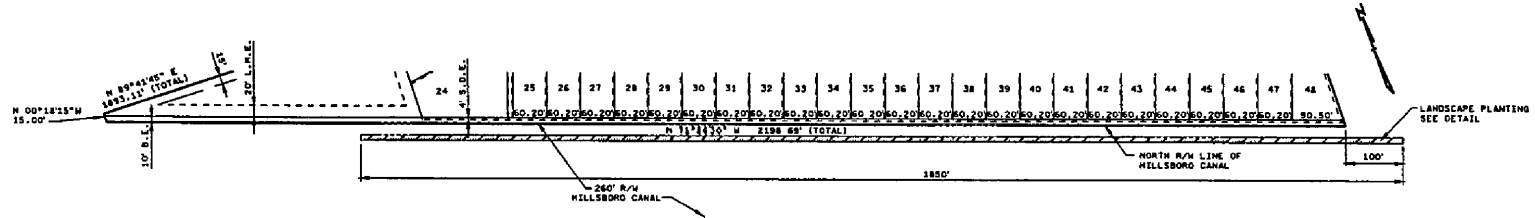
**EXHIBIT 6**



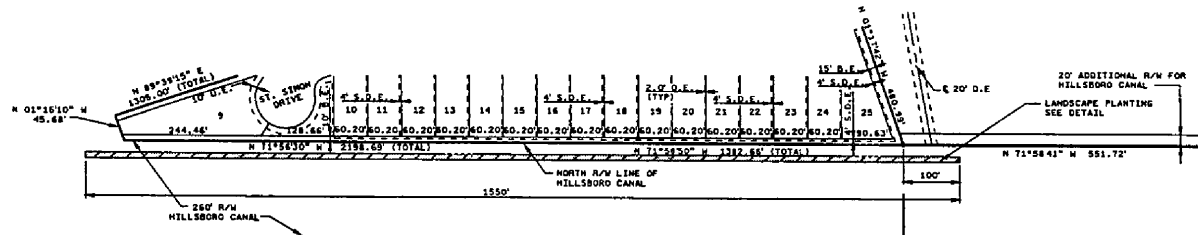
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ER INO DATE		REVISION		BY CH COR APP		DATE 2-26-01 <b>POWER SYSTEMS</b> DR DM ER CH COR APPROVED	SCALE 0 10 15 20 30 BAY WINDS/HILLSBORO CANAL LANDSCAPE PLAN	BRORANPARS2 SHEET 2 OF 2 <b>E-HILLS1</b> SCAN	REV NO. 12/27/01 ENGINEER SEAL
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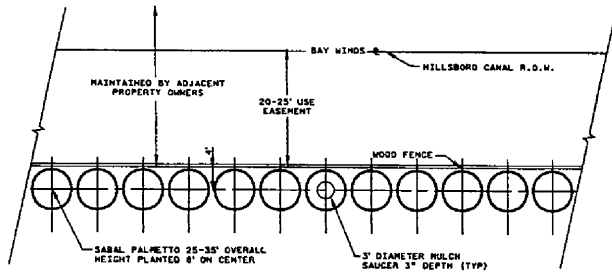


**BAY WINDS - PARCEL "V"**  
SECTION 27, TOWNSHIP 47 SOUTH, RANGE 41 EAST  
PALM BEACH COUNTY, FLORIDA



**BAY WINDS - PARCEL "U"**  
SECTION 27, TOWNSHIP 47 SOUTH, RANGE 41 EAST  
PALM BEACH COUNTY, FLORIDA

**BAY WINDS - PLAT NO. 3**  
SECTION 27, TOWNSHIP 47 SOUTH, RANGE 41 EAST  
PALM BEACH COUNTY, FLORIDA



**LANDSCAPE PLANTING DETAIL**  
TYPICAL 100' SECTION  
SCALE: 1"=10'

**NOTES:**

1. ALL LANDSCAPE PLANTING AND IRRIGATION SYSTEM INSTALLATION SHALL BE PERFORMED ACCORDING TO FPL STANDARD SPECIFICATIONS D-15 & D-17.
2. PLANTING SHALL CONSIST OF 425 SABAL PALMETTO / SABAL PALM 25'-35' OVERALL HEIGHT PLANTED 8' ON CENTER, AS SHOWN.
3. PLANTINGS SHALL BE BRACED WITH 3, 2" X 4" X 8' BRACES SECURELY FASTENED TO THE PALM TRUNK PER FPL STANDARD DETAILS.
4. PALMS SHALL BE DELIVERED WITH FRONDS REMOVED / "HURRICANE CUT".
5. WATER FOR THE IRRIGATION SYSTEM SHALL BE DRAWN FROM THE HILLSBORO CANAL ACCORDING TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT STANDARDS.
6. THE IRRIGATION SYSTEM SHALL CONSIST OF A SUCTION LINE, PUMPING AND CONTROL STATION, MAIN LINE, ZONE VALVES AND ZONE LINES AS REQUIRED AND A FLOOD BUBBLER FOR EACH PALM.
7. THE IRRIGATION SYSTEM SHALL BE MAINTAINED FOR A PERIOD OF 1 YEAR FOLLOWING PLANTING TO FACILITATE PLANT ESTABLISHMENT. ALL IRRIGATION SYSTEM COMPONENTS SHALL BE REMOVED FOLLOWING THIS 1 YEAR ESTABLISHMENT PERIOD.
8. NO WORK SHALL COMMENCE UNTIL NECESSARY APPROVALS HAVE BEEN RECEIVED FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND FLORIDA POWER AND LIGHT CO.

DATE 2-26-01	SCALE 1"=100'	PROJECT BAY WINDS/HILLSBORO CANAL LANDSCAPE PLAN	BRORANPARS3 (SU, G, PP)	SHEET 1 OF 2	REV 1
DR SULLIVAN	ER	CH	ICOR	E-HILLS1	CADE
APPROVED					ENGINEER'S SEAL