

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 010908

May 1, 2002

Parties' Objections to the Staff Proposal

02 MAY '02 AM 9:04

DISTRIBUTION CENTER

Complaint against Florida Power & Light Company)
regarding placement of power poles and transmission)
lines by Amy and Jose Gutman, Teresa Badillo)
and Jeff Lessera)

Dear Ms. Bayo,

Following instructions from Ms. Kay Flynn, Bureau Chief of records and Hearing services, I am formally filing my response to the staff proposal of Mr. McLean on April 5th, 2002 and at the same time request a hearing in front of the Commission.

It is my understanding from Ms. Flynn that the following response will be distributed to all those that need it. It is my hope that the Commission members are included in the distribution and have the opportunity to read this letter prior to our hearing so that they may be acquainted with our case and the situation we are in.

INTRODUCTION

On or about November 1, 2000 FPL began to install approximately 100 ft tall, 45,000 Lb. concrete transmission poles adjacent to our homes. Mr. Leserra's home, which is closest to the transmission line project, is 69 feet from one of these poles.

Many homeowners immediately contacted FPL in an effort to gain information and discuss relocation of the poles. Discussions began, and as of December 14, 2000, FPL had only installed the poles with no transmission lines. The total cost of such partial installation by FPL at the time was estimated by Mr. Daniel Ironec, FPL representative, to be approximately \$300,000.

Good faith negotiations were carried on with FPL and the South Florida Water Management District for a few months, which eventually lead to a DOAH hearing. Simultaneously, homeowners were in contact with individuals at the PSC. (The homeowners contacted the PSC, as the PSC was instrumental in the Acosta case. In Acosta, FPL placed transmission poles in close proximity to homes, and the PSC had the poles relocated.)

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FPSC-COMMISSION CLERK

169

For the past 16 months, a grass-roots effort of our homeowners have been seeking their opportunity to be heard and to object to FPL's siting of transmission lines immediately adjacent to our residences and our children's playgrounds along the Hillsboro canal right-of-way. Although FPL and the South Florida Water Management District knew the homeowners were residing immediately next to the planned high power transmission line project along the Hillsboro Canal right-of-way, FPL and the District decided not to reasonably notify these homeowners, who would be clearly affected by the transmission line project, prior to taking agency action to grant the permit and waivers to FPL.

Instead of providing a reasonable notice, the District only published a minimal anonymous notice in the Florida Administrative Weekly, an obscure administrative law publication that is not normally read by the public, and only because such notice was required by Florida Statute section 120.542. No local newspaper notices were published. No signs were posted. Although a number of the homeowners were personally known to the District's staff as prior permittees on the Hillsboro canal right-of-way and all of the homeowners were clearly known to FPL as customers, no courtesy notices were mailed to the homeowners. When speaking with the homeowners, while doing field inspections as part of issuing the homeowners permits to move their backyard fences about 25 feet into the Hillsboro canal right-of-way and closer to where the FPL transmission lines were about to be located, the same District staff handling both the FPL permit application and the homeowners' permit applications did not tell the homeowners that they were in a collision course with FPL's transmission line project about to be permitted by the District.

Additionally, the District decided not to make inquiry as to whether this permit would be an issue of "heightened public concern" to the residential communities adjacent to the Hillsboro canal, which would require notice in a newspaper of local circulation in Broward county and Palm Beach county. FPL has frequently experienced this type of resistance from residential property owners and has even a name for the phenomena, i.e., "NIMBY" - Not In My Backyard. (Refer to Attachment A) However, FPL did not attempt to meet its obligation for candor and truthfulness in its application for permit by bringing to the attention of the District Board: 1) FPL's NIMBY knowledge, 2) FPL's knowledge of the existence of the adjacent residential communities, and 3) FPL's knowledge from past experience that all of the residential communities that would be affected by this intended transmission line project would also reasonably be expected to oppose the permitting process and that it would likely result in a DOAH hearing.

Both FPL and the District decided to only provide the minimal anonymous publication notice that was required by Florida Statute section 120.542. This notice was required because for FPL to be allowed to locate its transmission lines in a parallel run along the Hillsboro canal right-of-way the District had to waive two of its rules and associated criteria. These waivers had to be granted to FPL because the District's own rules and procedures warn against allowing commercial utilities to site their transmission lines in a parallel run along a canal right-of-way and further protect against siting any structures within 40 feet of the top of bank of a canal, such as the Hillsboro Canal. The District's own criteria manual strongly discourages granting such permits and even encourages revoking prior permits in an attempt to clear the land adjacent to the canals to allow the District to maintain it's waterways under it's jurisdiction. Even District's own Right of Way Manager, Tom Fratz, as late as March 2000, stated that he could not recommend issuing the permits to FPL. (Refer to Attachment B)

As recognized by the Administrative Law Judge in this case, all of the publications to meet the minimal anonymous notice failed because they did not meet the requirements of Florida Statute section 120.542. This resulted in the homeowners not receiving the constructive notice required by Florida law and therefore non-participation in any hearings regarding the permitting and the placement of the transmission lines.

The homeowners, after almost a year's battle with FPL before the ALJ in a preliminary phase of a bifurcated hearing to determine the limited issues of timeliness and standing of the homeowners to be able to proceed to the merits phase of the case, were found by the Recommended Order to be timely in asserting their rights with the South Florida Water Management District. The ALJ also found that the District's attempt at the minimal publication notice required under the Florida Statute section 120.542 had failed. However, it was the ALJ's opinion that the homeowners did not prove standing.

PARTIES CONCERNS AND STATEMENTS

1. In Florida, the PSC has broad authority under Sections 366.04(2)(c), and 366.05(8), Florida Statutes, over transmission grid-related matters (the Grid Bill). The PSC is vested with jurisdiction over the planning, development, and maintenance of a coordinated electric grid throughout Florida. Planning should take into consideration fairness. FPL chooses transmission routes that require the minimum investment risk to itself without any regard as to the effect that the route has on existing development.

FPL chose the location for the Parkland substation, approximately four years prior to its choice of transmission line site. In fairness to FPL's consumers and customers, and the residential communities it serves, the transmission line placement should be made approximately the same time.

According to the 1988, DOAH Case No. 88-3534, the Recommended Order states in (H) Impacts To The Public, 100: "From a land use perspective, it is appropriate to site a transmission line and allow developing residential areas to adjust and to mitigate impacts from that line. Development can build around a transmission line if the transmission line is placed in the landscape first."

At the hearing with the PSC representatives in Boca Raton, when Parties asked FPL why they didn't seriously consider aligning the transmission line along the Hillsboro Road Extension, FPL representative Mr. Newbold stated: "We didn't want to impact future development."

Also at the PSC hearing and DOAH hearings many homeowners stated that at the time they bought their homes there were no powerlines present, and that they never would have bought their homes if there were powerlines nearby.

2. Several times throughout hearings and conversations the PSC indicated that efforts were being made to reach a 'mutually satisfactory' resolution between all parties. Many times Parties were promised that a resolution would be recommended, and many times homeowners were postponed. (The PSC hearings took place in June 2001).

Mr. McLean published the recommended resolution on April 5, 2002. Mr. McLean did not attend the informal hearing held in Boca Raton between FPL and the Parties. In addition, Parties have never personally met with Mr. McLean. Further, it is not known if Mr. McLean has ever even seen the poles and their proximity to homeowner's residences. We feel that for our case, the PSC has failed to follow its own rules dealing with Customer complaints, specifically 25-22.032 Customer Complaints:

(1) Intent; Application and Scope. It is the Commission's intent that disputes between regulated companies and their customers be resolved as quickly, effectively, and inexpensively as possible. This rule establishes informal customer complaint procedures that are designed to accomplish that intent. This rule applies to all companies regulated by the Commission. It provides for expedited processes for customer complaints that can be resolved quickly by the customer and the company without extensive Commission participation. It also provides a process for informal Commission resolution of complaints that cannot be resolved by the company and the customer.

(8) Informal Conference (h) If a settlement is not reached within 20 days following the informal conference or the last post-conference filing, whichever is later, the staff member shall submit a recommendation to the Commission for consideration at the next available Agenda Conference. Copies of the recommendation shall be sent to the participants.

3. In FPL's Supplemental Comments on Gutman, Badillo and Lessera Complaints, Mr. Butler states: "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."

Basically, the Parkland line was constructed to feed the fast growing city of Parkland. FPL has the authority to charge specific customers that will receive benefit from construction of a new line according to 25-6.064 Extension of Facilities; Contribution in Aid of Construction (12) In cases where larger developments are expected to be served by line extensions, the utility may elect to prorate the total line extension costs and CIAC's owed over the number of customers expected to connect to the new line.

It is unfair for the Parties to be charged an exorbitant fee to relocate this Parkland line since we never had any input into the location of this line. As consumers, the affected homeowners already paid towards the installation of the line. Now homeowners are being asked to pay, again, for the relocation of the line. And as if that were not enough, homeowners pay again through the loss in property value. What it comes down to is that the homeowners were robbed of the opportunity to object to this project before the permit was granted to FPL, allowing them to place the transmission line on the Hillsboro canal right-of-way and in such close proximity to their homes. Parties would not have purchased their homes if the line were already in place.

4. In FPL's Supplemental Comments on Gutman, Badillo and Lessera Complaints, Mr. Butler states: "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."

During the DOAH hearing, the homeowners did not receive discovery proving that FPL had considered alternative routes. Parties have been substantially impacted and feel that it is unfair to select a few homeowners to carry the financial burden and imposition that these power lines present. Even at Mr. Butler's admission, the transmission line is a mere 180 ft from some of the homeowners' properties. The power poles are approximately 90ft above ground and carry a double circuit with two ground wires. (Refer to Attachment D) Although the Hillsboro canal is between the homeowners' homes and the transmission lines, the canal hardly mitigates the view.

Mr. Leserra's home and master bedroom are a mere 69 feet from the transmission line project. Mr. Leserra can light a bulb from the energy transmitted from the transmission lines while standing on his driveway. The Loxahatchee Road is traveled extensively by trucks and is quite narrow. This road is not enough to mitigate the view or effects from the transmission lines and poles.

One alternative route that is viable is to co-locate the transmission line along the future extension of the Hillsboro Blvd. (Mr. Bob Elias, PSC legal, had asked FPL to look into this alternative and appeared to be in support of it.) This alternative would meet FPL's objective of co-locating its transmission lines with other linear alignments. This route would actually be shorter than the chosen route and would not impact residential communities, since this land has not yet been developed. The planned extension of Hillsboro Blvd. has been on maps for some time. This route would parallel the current line in Broward County. Then when the proposed road enters Palm Beach County the road is scheduled to run due West, with what is a more direct route to the substation. FPL would have utilized less wire and less poles and affect no one. Currently all the land on the proposed Hillsboro Blvd. is undeveloped and there are no private residences present.

5. In FPL's Supplemental Comments on Gutman, Badillo and Lessera Complaints, Mr. Butler states: "Furthermore, the Complainants consistently rejected FPL's offers to work with them toward relocation of the Parkland Line pursuant to Section 5.3 of FPL's Electric Tariff."

Parties feel that it is extremely unfair and financially impossible for them to bear the burden of a million dollars or greater to relocate the transmission lines. Parties had absolutely no input into the placement of this project. Since, it was recognized by the Administrative Law Judge, that all of the publications in the Florida Administrative Weekly failed to meet the minimal notice required by Florida Statute section 120.542, the homeowners did not receive the constructive notice required by

Florida law and were robbed of their opportunity to express their concern and objections before this line was constructed.

However as previously noted, Homeowners did approach FPL at the time of initial installation. At that time FPL told us, they had spent only \$300,000 on the project. FPL continued to work on the project, well aware of the discussions with DOAH and the PSC. And as the work continued, so did any and all costs associated with relocation.

6. In FPL's Supplemental Comments on Gutman, Badillo and Lessera Complaints, Mr. Butler states: "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."

FPL has publicly stated that other options were considered when it made its request to the District for permit and waiver. In fact, one of the reasons that FPL states for granting the waiver was that the route chosen was the cheapest and alternative routes received objections from homeowners and political representation.

Homeowners and Parties for this case have received support from political representatives. (Refer to Attachment E)

7. According to the 1988, DOAH Case No. 88-3534, the Recommended Order states in (4) Property Values:

131. Limited studies have been completed analyzing the impact of single concrete pole and transmission lines on residential property values. Factors associated with power lines impacting property values include the proximity of homes to the line, the price range of the homes, the type of power line, lot sizes, and the public perception of transmission lines. The higher the price of the residence, the greater the potential impact on the residential value caused by a transmission line because purchasers of more expensive property favor and expect a more attractive visual environment.

134. In other developments, the lots adjacent to transmission lines have been sized two or three times larger than lots located away from those transmission lines in order that the sales price of the lots near the lines could be comparable to the sales price of the lots away from the lines. Other developers have established large vegetative buffer areas or unusually wide setback areas between transmission lines and the lots nearest those transmission lines in order to offer to potential buyers an extra factor of privacy to compensate for the location of those home sites near transmission lines.

135. In the Caloosa, PGA National, and Palm Beach Country Estates subdivisions, real estate sales have already been negatively impacted due to public knowledge of the proposed location of the FPL proposed corridor for the Crane-Bridge-Plumosus 230 kV transmission line. The numerous public witnesses testifying in this proceeding believe the property value of their homes will be severely and negatively impacted if the transmission line is constructed near their property. No one testified in this proceeding that he or she would be willing to purchase a home, or

live, in the near proximity of a 230 kV overhead transmission line. The public perception of adverse health effects from overhead transmission lines, coupled with the adverse visual or aesthetic impact of transmission lines in residential areas, does have an adverse effect on residential property values.

171. The condition necessary to make FPL's proposed corridor certifiable is to bury the proposed transmission line within those segments of FPL's proposed corridor which are within 300 feet of existing subdivisions, no matter how wide that segment of the corridor may be.

The recommendation for the Final Order for this 1988, DOAH Case No. 88-3534, included:

The transmission line shall be buried in all other segments of the FPL proposed corridor where the corridor is within 300 feet of any existing subdivision as specifically described in the Conclusions of Law section of this Recommended Order.

Unfortunately for the Parties and homeowners of this case, this transmission line is less than 15 miles, and thus does not have to undergo any of the scrutiny that the transmission Siting Act requires. Had this line gone fallen under the Transmission line Siting Act there would have been notice, hearings, community input and review of alternative routes. However, the manner in which this FPL project was constructed was much of a cut and paste job in that the project begins in one location, ties into an existing powerline and then adds on another new piece of powerline. Individually none of the 'new' pieces are 15 miles, but FPL is doing this type of construction all over Boca Raton.

The end result is that that the homeowners are penalized repeatedly. Since we bought our homes before this line was in place and plans for this line were not disclosed, we have paid top dollar for our homes.

Our neighborhoods have underground power lines, thus the overhead high voltage transmission lines are inconsistent with our neighborhood's overall plan.

Our neighborhoods range in price from \$200,000 to greater than \$600,000. The initial petition submitted to PSC listed some 150 affected homeowners, and grew beyond that over time. Realtors have told homeowners that property values decrease 20-30% when located so close to a major transmission line. In addition, when we attempt to sell our homes, the prospective buying pool is reduced since many people will not consider homes near transmission lines, making our homes more difficult to sell.

8. According to the 1988, DOAH Case No. 88-3534, the Recommended Order states in (3) Electric and Magnetic Fields

129. On the day following the passage of its EMF rule, the Environmental Regulation Commission passed a resolution recognizing the potential for adverse health effects on the public from EMF, and recognizing that it would be prudent to keep the long-term exposure of the population to low values of EMF by routing transmission lines outside of residential areas. That resolution specifically provided that new electric transmission lines of 69 kV or greater should be sited in a manner that would consolidate those lines with existing corridors, and, further, that new

corridors should be planned in coordination with the land use plans of local governments to avoid placing corridors through residential areas.

130. Members of the public testified in this proceeding that the recently-promulgated standards adopted by the Environmental Regulation Commission were not reassuring regarding public concerns of health hazards associated with electric and magnetic fields. The standards themselves are not a guarantee of safety. Moreover, the standards may not prove safe in the future. Of the numerous persons who testified at the two public hearings held in this cause, a substantial majority of them expressed fear for the health and welfare of themselves and their families from ENF. Burial of the transmission line within the FPL proposed corridor would alleviate the concerns of the residents of the PGA National, Caloosa, and Palm Beach Country Estates subdivisions who testified in this proceeding.

EMFs are a highly controversial subject. Many of the homeowners, when given the choice of where to buy their home, specifically chose to stay away from transmission lines and the EMFs associated with the lines. When we asked FPL for a statement of safety, they refused to give us one. Since there are no guarantees associated with EMFs, it is only fair and appropriate for each homeowner to choose whether or not they are willing to take any risk associated with EMFs. It is unfair for a homeowner to conscientiously make a decision and then have FPL decide the opposite for a group homeowners because their chosen route "minimizes customer impacts".

There are studies that prove an increased risk of childhood leukemia for children living in close proximity to transmission lines. (Refer to Attachment F) There are many small children in the Water's Edge development, which is the closest to the transmission line project. In addition, Mr. Leserra has two younger children.

9. When parties made a complaint to FPL, we were told by Tony Newbold, don't even think about fighting FPL or taking us to court. We were also told that FPL has fought cases all the way to the Supreme Court of FL and that we didn't have a chance of winning.

It is hardly equitable for pro se homeowners to fight a legal battle with a multi-billion dollar corporation.

CONCLUSION

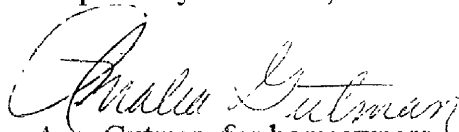
It is the opinion of the Parties that FPL has dealt unfairly with us. The Parties request a hearing before the Commission so that the inequities and injustices of this situation can be evaluated.

The Public Service Commission is responsible for price protection and fairness to consumers. The Parties request that the Commission acknowledge the protection of the consumers and of public rights. We would request that the Commission make a favorable decision to the Parties based upon the fact that FPL had alternatives routes for this transmission line. The Parkland transmission line should be relocated to align along the Hillsboro Road Extension at FPL's expense. Homeowners would also like to be given the opportunity to personally present our side of the story to the Commission before a decision is made.

The PSC and FPL have a duty to manage a 10 year plan for meeting growing power demands of developing customer base. FPL has a duty to locate the transmission lines (or at least mark their intended path on land maps) as early as when the substation land is identified and acquired. This is an issue of fairness to the public to plan their lives accordingly and be able to decide whether to purchase their homes next to transmission lines or to avoid them. However, it appears that FPL has been intentionally mismanaging the 5 year plan by not publicly notifying customers of the intended route of the transmission lines so that the public can receive reasonable notice to plan their lives accordingly. This essentially reduces FPL's investment risk, by locating the transmission lines, and then immediately receiving payback on the investment, without having to guess where development of customer will occur. However, this financial windfall for FPL is arrived at on the backs of the unfortunate homeowners and residential customers that are forced by FPL to live next to transmission lines without having a choice in the matter. The only choice is to give up their property rights in their homestead, lose property value, and move to another community. This is plainly unfair and contrary to the best intentions of the PSC to protect customers while authorizing FPL to manage the 5 year plan to meet the growing demand of developing communities.

If we would have known five years ago that the FPL transmission lines were intended to be located where they are today, we could have either provided early input to FPL to help relocate the transmission lines away from our homes before FPL had made any financial commitments or we could have avoided buying our homes next to where the transmission lines would be sited. By secretly siting the transmission lines next to our residential communities, FPL, under authorization of the Florida PSC, has deprived the residential property owners of their basic property rights in their homes and further has deprived us of our choice in where we would want to live and raise our families. This is a basic due process and fairness issue that was caused by the intentional mismanagement of the five year plan to maximize profits of the FPL monopoly at the expense of the residential homeowners.

Respectfully submitted,



Amy Gutman, for homeowners

Amy Gutman

Jose Gutman

Teresa Badillo

Jeff Lessera
Donna Tennant
Suzanne Terwilliger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Parties' Objections to the Proposed Resolution was served by Federal Express this 1st day of May 2002 to Ms. Blanca Bayó, and by regular mail to Mr. Harold McLean and Mr. John Butler.

Blanca S. Bayó
Director of the Division of the Commission Clerk and Administrative Services of the PSC
(850) 413-6770; fax (850) 413-7118
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

Harold McLean, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
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Steel Hector & Davis LLP
c/o John T. Butler, P.A.
Suite 4000
200 South Biscayne Boulevard
Miami, FL 33131-2398

Attachment A

From: tennant <tennant@gateway.net>
To: Dean_Busch@fpl.com <Dean_Busch@fpl.com>; Tony_Newbold@fpl.com <Tony_Newbold@fpl.com>
Cc: Teresa Badillo <badillo9@aol.com>; Jose Gutman <jgutman@telocity.com>; lrasberr@psc.state.fl.us <lrasberr@psc.state.fl.us>; risaac@psc.state.fl.us <risaac@psc.state.fl.us>; ksmith@psc.state.fl.us <ksmith@psc.state.fl.us>
Date: Tuesday, April 17, 2001 1:56 PM
Subject: CASE:366172E; Power Outage, Quality, Lines and Poles

CASE 366172E

Dear Mr. Bush:

I do have some additional questions and comments.

>>Notification

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>>All requirements for notification were satisfied in advance of the
>project.

>>At the request of Boca Winds, Mr. Tony Newbold, Mr. Dan Hronec and myself
>>met with several community representatives in November 2000. Those
>>meetings sought to explain the processes and basis for decisions
>>surrounding this project.

The residents of Boca Winds were given absolutely no advance notification. This meeting with the Boca Winds residents took place after FPL began its project.

Section 40E-6.381 Limiting Conditions, #22, of the application for the right of way permit, specifically states, "it is the responsibility of the permittee to bring to the attention of the District any conflict in the permit authorization or permit conditions in order that they may be resolved prior to the start of construction." Considering your statement, "transmission lines are ... sometimes the subject of "NIMBY" objections" and in light of the fact that FPL has printed pamphlets from the Sanford Repowering project stating the residents are very much concerned about property values when power poles are closely located near homes, it seems that FPL did not satisfy the notification requirements.

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>>Waivers

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>>Only one waiver was sought by FPL and granted by SFVMD. The waiver was
>>deemed necessary by SFVMD pursuant to their rules. Processes for the
>>waiver were followed.

>>

8/6/01

Petitioners'
Exhibit
22

There are some poles that are extremely close to the edge of the canal. How will FPL enhance the ROW to meet the 14ft wide platform that is needed for maintenance? Are retaining walls necessary? What type of environmental effect will this widening have on the canal?

Any building or structure placed on SFWM property must meet 150 mph sustained winds at 30-ft height basic rating. The FPL power poles are designed to withstand basic wind speed of 110 mph. A category 3 hurricane has wind speeds of 111 mph - 130 mph. A category 4 has wind speeds of 131 mph - 155 mph. FPL power poles are not designed to withstand a category 3 hurricane, but SFWM requires structures to withstand winds within a category 4 hurricane. 42% of all hurricanes in Southeast Florida from 1900-1996, were classified as "major", hurricane category 3-5.

Shouldn't FPL be required to meet the same hurricane standards for its structures that SFWMD meets?

>>Equitable Solutions

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>>This project achieves an equitable solution. FPL chose the route along >the

>>Hillsboro Canal as a result of evaluating alternative alignments,

>>environmental effects, long range planning, safety and costs. These five

>>criteria constitute good public policy, and have been endorsed in the

>>Florida courts.

Yes, I would agree that it is important to look at more than just cost.

Please explain how choosing the route along the Hillsboro canal has less of an environmental impact than the farm road that is located about 800 ft south. The canal does contain alligators which are protected species.

How it is safer to have 90ft poles along a canal that is used by families for recreational fishing than it is to have 70ft(?) poles along a farm road?

The Loxahatchee road will become more widely travelled as two new extensions are opened; University Road extension and Riverside extension.

Has the loss of our property values been considered when estimating the cost for this project?

>>

>>FPL has over 6200 miles of transmission lines and nearly 500 substations >in

>>its system. More than 90% of FPL's customer base is residential and

>>commercial. As such, it is not uncommon to find transmission lines and

>>substation sites in these types of land uses. Like other facilities such

8/6/01

>>as roads, canals, pipelines, landfills, water treatment plants, etc.,
>>transmission lines are necessary to serve the public, and are sometimes
>the
>>subject of "NIMBY" objections. We do honor a statutory obligation to
>>serve, and ensure that we provide all our customers with safe, reliable,
>>and affordable electric service.

We do not have any concerns about the actual electrical service from FPL. We do have concerns with the way FPL chooses its ROW, especially in light of the fact that FPL claims to be a good corporate citizen and a good neighbor.

8/6/01

Attachment B

Subject: Mtg. w/FPL on Parkland Transmission Line; Hillsboro Canal

Date: Wed, 08 Mar 2000 11:26:21 -0500

From: TOM FRATZ <tfratz@sfwmd.gov>

Organization: South Florida Water Management District

To: "John R. Adams" <jadams@sfwmd.gov>, Jeanne Hall <jhall@sfwmd.gov>, Joseph Taylor <jwtaylor@sfwmd.gov>

BCC: Thomas Fratz <tfratz@sfwmd.gov>

John, Jeanne and Joe:

Joe, I'm including you in this e-mail because FPL's Florette Braun is wanting to introduce herself to you and it is likely that she will want to touch on this issue.

As background, FPL is trying to install a 230kV transmission line on an alignment paralleling Hillsboro Canal in the area west of SR7 out to their Parkland Substation in northern Broward Co. FPL was directed to focus their design work on the strip of land lying between Lox Rd. and the SW'ly canal R/W line - that area could be considered surplus to District needs and "sold" to FPL. (See attached file, page 1). FPL engineers have looked at this and indicate that it is potentially possible to use this alignment on a portion of the line but certain areas are too narrow to accommodate both the existing distribution line and the proposed transmission line.

FPL now requests that the District consider allowing a portion of the line to follow an alignment that would be located between the top of the canal bank and Lox Rd. (See attached file, page 2).

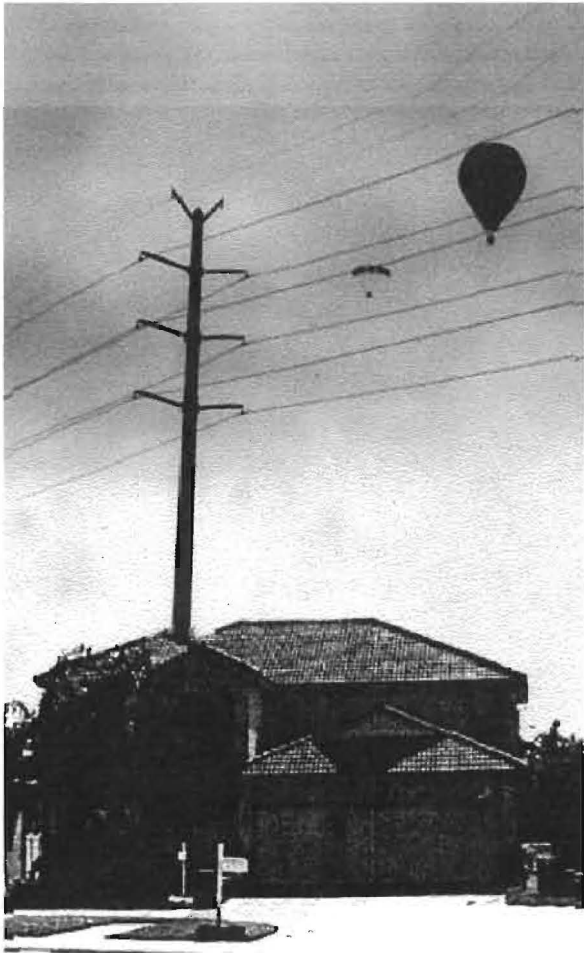
Jeanne, I've told FPL from the outset that putting a transmission line within the R/W is contrary to our permitting rules since it would constitute a permanent encroachment that would tie-up our R/W forever. Further, the location of the line as proposed violates the 40 foot set-back standard. And, finally, there is the policy question of using lands that were obtained for water management purposes for commercial purposes. Based on what I know now, I could not recommend approval of a waiver of policy for this proposed use. I will call you later to discuss this further. *

John, IF the District were to grant a waiver of policy to allow the placement shown on page 2 of the attached file, I've told FPL that the vertical clearance of the line at the point of maximum sag would have to comply with our crossing clearance requirements in order to have sufficient clearance for draglines to operate (not what is specified on FPL's drawing). Span X lengths/pole spacing would be 400 feet. Lets discuss this when we hook-up again.

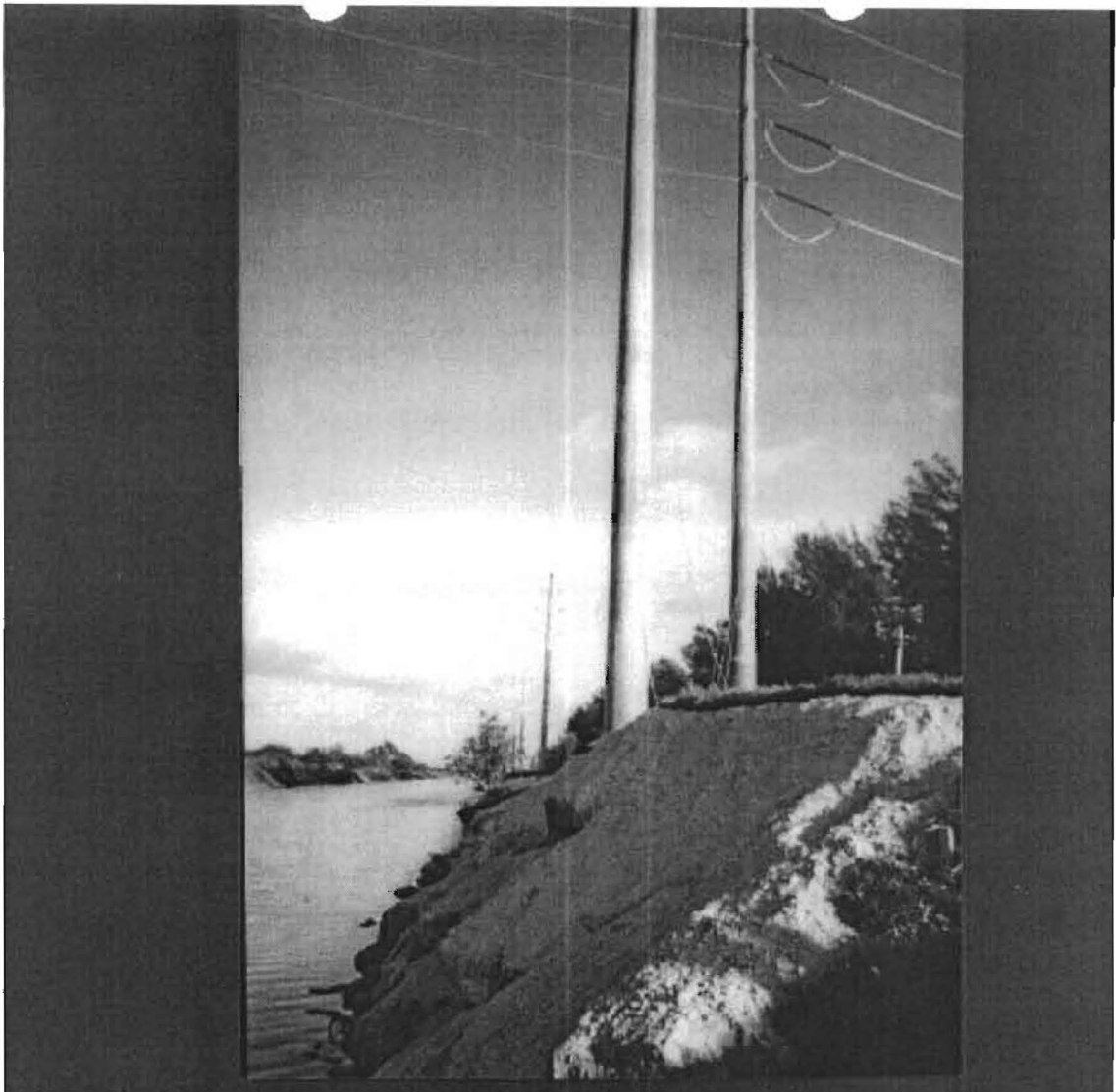
TLF
X-6968



Attachment D







Attachment E

JAN-30-2001 TUE 04:51 PM

FAX NO.

P. 02

West Boca Community Council, Inc.
 11364 Chis olm Way
 Boca Raton, FL 33428

January 30, 2001

Frank Finch, Executive Director
 South Florida Water Management District
 3301 Gun Club Road
 West Palm Beach, Florida 33406

Officers

Jeffrey A. Winkoff
 President

Paul Kaufman
 Vice President

Sheri A. Scarborough
 Treasurer

Barbara Dobbins
 Recording Secretary

Candice Brown
 Ass't Recording Secretary

Theodore K. Landau
 Corresponding Secretary

Peter Capellani
 Ass't Corresponding Secretary

Directors

Fran Reich
 Founding Chairwoman Emeritus

Miriam Brunner
 Chairman

Candice Brown

Peter Capellani

Allan Curson

Barbara Dobbins

Ron Goldman

David Goodstein

Allan Gornin

Paul Kaufman

Theodore K. Landau

Daniel Leavin

Carl Ravens

Janet Sher

Roz Shpito

Sheri A. Scarborough

Jeffrey A. Winkoff

Dear Mr. Finch:

I am writing on behalf of West Boca Community Council, a coalition of approximately 110 homeowners and condominium associations west of the city of Boca Raton comprising approximately 130,000 people. Recently, we have been apprised that the South Florida Water Management District granted permits to Florida Power and Light to build a high-voltage transmission line on the south side of the Hillsboro Canal. As you may know, that permitting was accomplished without the knowledge or consent of the community or the homeowners affected. This is especially troublesome since many of the homeowners had been working with South Florida at the time permits were granted. These homeowners have requested that South Florida Water Management District revoke the permits obtained by Florida Power and Light and the West Boca Community Council strongly supports that request. Florida power and Light can either bury the wires or move them south of Loxahatchee Road where they more properly belong. We urge the South Florida Water Management District to take the necessary steps to accomplish this on behalf of the community. We thank you in advance for your courtesy in this regard.

Very truly yours,


 JEFFREY A. WINKOFF, President

Petitioners'
 Exhibit
 #15

22

Received Event (Event Succeeded)

Date: 5/4/01
Pages: 1
Remote CSID:

Time: 3:38 PM
Sender:

MAY. 4. 2001 3:29PM

COMMITTEE ON
INTERNATIONAL RELATIONS



ROBERT WEKLER
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
19TH DISTRICT, FLORIDA

May 3, 2001

01-1504
JLJ

Judge J. Lawrence Johnston
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Dear Judge Johnston:

I was recently contacted by a group of constituents that live in the communities of Loggers Run, Ashley Park, and Boca Winds. These community members have been participating in an effort to request a formal administrative hearing with regards to the permits issued to Florida Power and Light (FPL) for the installation of a 230kv transmission line along the backyards of residential homes, located along the Hillsboro Canal. In a grass roots effort these community members have joined together to ask the SPWMD to encourage the FPL to relocate their transmission lines away from their homes.

Per a conversation with residents from the West Boca Raton communities, I have learned that they are particularly concerned about potential health problems for their family members and the dramatic decrease in their property value. Unfortunately, the homeowners were not informed of any powerline installation prior to the purchase of their new home.

I would appreciate your consideration in reviewing an alternative route for these powerlines that would assure the safety of my constituents. Thank you in advance for your attention to my request. If you should have any questions regarding this matter, please feel free to contact me at (561) 988-6302.

Sincerely

Robert Wekler
Robert Wekler

213 CANNON BUILDING
WASHINGTON, D.C. 20515
(202) 225-3001
(202) 225-5974 FAX

2300 NORTH MILITARY TRAIL ✓
SUITE 100
BOCA RATON, FL 33431
(561) 988-6302
(561) 988-6423 FAX

MARGATE CITY HALL
5790 MARGATE BLVD.
MARGATE, FL 33063
(954) 972-6494
(954) 974-3191 FAX

Petitioners' Exhibit

23

Date: 5/4/01
Pages: 2
Remote CSID: 9229276
05/31/2006 01:24 9229276

Time: 6:03 PM
Sender: 9229276

PAGE 02



Florida House of Representatives
Representative Irving Slosberg
District 89

01-1504
NJ

Reply to:
9045 LaFontana Blvd., B-17
Boca Raton, FL 33434
(561) 637-7097

402 South Monroe Street
Tallahassee, Florida 32399-1300
(850) 488-1302

The Honorable Judge J. Lawrence Johnston
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

May 4, 2001

Dear Judge Johnston:

I have been contacted by several of my constituents who reside on the South side of Lox Road, Waters Edge Estates, Waters Edge Enclaves, Regency, Carlyle Estates, Ashley Park and Ponderosa. It has been brought to my attention that they have requested a formal administrative hearing in regards to permits issued to Florida Power & Light (FPL) for the installation and use of high voltage transmission lines on the ROW of the Hillsborough Canal. I respectfully request that you give them a fair opportunity to voice they're concerns.

This community has been having an ongoing negotiations with the South Florida Water Management District (SFWMD) and Florida Power & Light with regards to 230,000 volt high power transmission lines which were placed on the SFWMD Right of Way merely 60 to 100 feet from there homes! The community had never been given notice that this project was to take place and therefore never given a chance to voice there objection. These lines may not only become a health hazard, but they will inevitably decrease the property value of the homes within this area. They are a risk to life and property: these electric lines are not even built to withstand hurricane winds anywhere between 111 to 130 mph.

I thank you for giving my constituents the opportunity to go before your court and voice there concerns to a higher power. I urge you hear there thoughts carefully and allow your judgment to be fair and unencumbered by the opposing argument. If you should have any questions regarding this or any other matter, please feel free to contact me.

Sincerely,

Irving Slosberg
Irving Slosberg
State Representative
District 89

Petitioners
Exhibit
#93

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Attachment F

Questions and Answers About

E • M • F

Electric and Magnetic Fields
Associated with the
Use of Electric Power

January 1995

National Institute of
Environmental Health Sciences
and
U.S. Department of Energy

Petitioners'
Exhibit
72

Introduction

Electric power is a fact of life in America, a familiar miracle. Generations have come to take for granted the simple flip of a switch that turns night into day. With electric power, however, come certain precautions that are also well known. Electric power lines, household wiring, and appliances can cause serious injury from electric shock if handled improperly. Recently, a new question has emerged about the electric power we all depend on: *Does it have anything to do with cancer?*

Some epidemiological studies have suggested that a link may exist between exposure to power-frequency electric and magnetic fields (EMFs) and certain types of cancer, primarily leukemia and brain cancer. Other studies have found no such link. Laboratory researchers are studying how such an association is biologically possible. At this point, there is no scientific consensus about the EMF issue—except a general agreement that better information is needed. A national EMF research effort is under way, and major study results are expected in the next few years.

This booklet provides some answers to common questions about the possible health effects of EMFs. First, we define some basic electrical terms, describe EMFs, and discuss recent scientific studies. We then describe what the government is doing to address public concerns about EMFs. Next, we address questions people have about their own exposure to EMFs. Lastly, we tell you how to obtain more detailed information about these issues.

This booklet was prepared by Oak Ridge National Laboratory, under the direction of the National Institute of Environmental Health Sciences and the U.S. Department of Energy, for the EMF Research and Public Information Dissemination (RAPID) Program. It was reviewed by staff from nine federal government agencies and by the National EMF Advisory Committee, which represents public advocacy groups, organized labor, state governments, academia, and industry. Much of this material was originally developed by the Bonneville Power Administration, one of the

Amount of
technical detail

Moderate



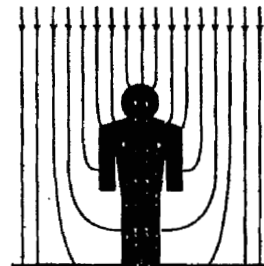
Note to readers:
This publication
contains a
moderate level of
technical detail.

Q What happens when I am exposed to EMFs?

A AC fields create weak electric currents in the bodies of people and animals. This is one reason why there is a potential for EMFs to cause biological effects. As shown on the right, currents from electric and magnetic fields are distributed differently within the body. The amount of this current, even if you are directly beneath a large transmission line, is extremely small (millionths of an ampere). The current is too weak to penetrate cell membranes; it is present mostly between the cells.

Currents from 60-Hz EMFs are weaker than natural currents in the body, such as those from the electrical activity of the brain and heart. Some scientists argue that it is therefore impossible for EMFs to have any important effects. Other scientists argue that, just as a trained ear can pick up a familiar voice or cry in a crowd, so a cell may respond to induced current as a signal, lower in intensity yet detectable even through the background "noise" of the body's natural currents. Numerous laboratory studies have shown that biological effects can be caused by exposure to EMFs (see p. 23). In most cases, however, it is not clear how EMFs actually produce these demonstrated effects.

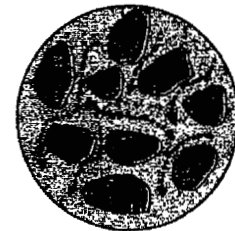
Strong electric fields, such as those found beneath large transmission lines, can cause hair on your exposed head or arms to vibrate slightly at 60 Hz. This is felt by some people as a tingling sensation. EMFs from transmission lines can also in some circumstances cause nuisance shocks from voltages created by EMFs on objects like ungrounded metal fences.



A person standing in an electric field (blue lines) showing induced current (white dashed lines).



A person standing in a magnetic field (blue lines) showing induced current (white dashed lines).



Most of the 60-Hz current occurs between the cells, not through them.

Q What have the studies of cancer in people living near power lines found?

A To date, 14 studies have analyzed a possible association between proximity to power lines and various types of childhood cancer. Of these, eight have reported positive associations between proximity to power lines and some form(s) of cancer. Four of the 14 studies showed a statistically significant association with leukemia.

Of children (ages 14 and under) in the United States, about 14 in 100,000 develop some form of cancer each year. Almost one-third of these cancers are acute lymphocytic leukemia, the most common form of leukemia in children. For childhood leukemia victims, chances of survival are about 60%.

The first study to report an association between power lines and cancer was conducted in 1979 in Denver by Dr. Nancy Wertheimer and Ed Leeper. They found that children who had died from cancer were 2 to 3 times more likely to have lived within 40 m (131 ft) of a high-current power line than were the other children studied. Exposure to magnetic fields was identified as a possible factor in this finding. Magnetic fields were not measured in the homes. Instead, the researchers devised a substitute method to estimate the magnetic fields produced by the power lines. The estimate was based on the size and number of power line wires and the distance between the power lines and the home (p. 34).

A second Denver study in 1988, and a 1991 study in Los Angeles, also found significant associations between living near high-current power lines and childhood cancer incidence. The L.A. study found an association with leukemia but did not look at all cancers. The 1988 Denver study found an association with all cancer incidence. When leukemia was analyzed separately, the risk was elevated but not statistically significant. In neither of these two studies were the associations found to be statistically significant when magnetic fields were measured in the home and used in the analysis. Studies in Sweden (1992) and Mexico (1993) have found increased leukemia incidence for children living near transmission lines. A 1993 Danish study, like the 1988 Denver study, found an association for incidence of all childhood cancers but not specifically leukemia. A Finnish study found an association with central nervous system tumors in boys. Eight studies have examined risk of cancer for adults living near power lines. Of these, two found significant associations with cancer. The following chart summarizes results from studies involving cancer in people living near power lines.



A 1979 study in Denver by Wertheimer and Leeper first reported that children who develop cancer were more likely to have lived within 40 m (131 ft) of high-current power lines.