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February 20, 2006

VIA HAND DELIVERY

Ms. Blanca S. Bayo
Director, Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

060148 - E1

**Re: In re: Petition of Florida Power & Light Company to Initiate
Rulemaking to Amend Rule 25-6.0345(1), Safety Standards for
Construction of New Transmission and Distribution Facilities**

Dear Ms. Bayo:

Enclosed for filing in the above-referenced matter, please find the original and seven (7) copies of Florida Power & Light Company's Petition to Initiate Rulemaking to Amend Rule 25-6.0345(1), Safety Standards for Construction of New Transmission and Distribution Facilities.

Please acknowledge receipt of this filing by stamping the extra copy of this letter "filed" and returning same to me. Also included herewith is a computer diskette containing FPL's Petition in Word.

Please do not hesitate to contact me at (561) 304-5134 should you have any questions regarding this filing.

Sincerely,

Patrick M. Bryan
Attorney
Florida Power & Light Company

PMB/bjw
Enclosures

cc: Harold A. McLean, Esquire (via U.S. Mail)
Office of Public Counsel

DOCUMENT NUMBER - DATE

01485 FEB 20 06

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power & Light Company to Initiate Rulemaking to Amend Rule 25-6.0345, Safety Standards for Construction of New Transmission and Distribution Facilities)
Docket No. _____)
Filed: February 20, 2006)
_____)

**PETITION OF
FLORIDA POWER & LIGHT COMPANY
TO INITIATE RULEMAKING TO AMEND
RULE 25-6.0345(1), SAFETY STANDARDS FOR CONSTRUCTION
OF NEW TRANSMISSION AND DISTRIBUTION FACILITIES**

Florida Power & Light Company (“FPL”), by and through its undersigned counsel and pursuant to Section 120.54(7)(a), Florida Statutes, and Rule 28-103.006 F.A.C., files its Petition to Initiate Rulemaking to Amend Rule 25-6.0345(1), relating to safety standards for construction of new transmission and distribution facilities for electric utilities in Florida. All pleadings, notices and other documents filed or served in this Docket should be provided to the following:

Patrick M. Bryan, Esquire
Law Department
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5134 (Voice)
(561) 691-7305 (Facsimile)
Patrick_Bryan@fpl.com

William G. Walker, III
Vice President, Regulatory Affairs
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301
(850) 521-3910 (Voice)
(850) 521-3939 (Facsimile)
Bill_Walker@fpl.com

1. This Petition is filed pursuant to Section 120.54(7)(a), Florida Statutes, which provides that any person regulated by an agency or having substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule. This Petition requests that the

Florida Public Service Commission (the “Commission”) initiate rulemaking to amend Rule 25-6.0345(1), Florida Administrative Code, appended hereto as Exhibit A, relating to safety standards for construction of new transmission and distribution facilities for electric utilities in Florida. The amendments to the rule sought by FPL are attached to this Petition as Exhibit B. The Commission has authority to amend this rule pursuant to Florida Statutes Sections 350.127(2), 366.04(2)(f), (6), and 366.05(1).

2. On January 30, 2006, FPL filed with the Commission and published “STORM SECURE: FPL’s Five Point Plan to Build a Stronger Grid for the Future.” The Storm Secure Plan explains the steps that FPL proposes to take to substantially increase the resistance of its distribution, transmission and substation network to severe weather impacts. An important element of the Storm Secure Plan is the “hardening” or strengthening of FPL’s electrical infrastructure. FPL proposes to achieve this by (a) adopting NESC extreme wind velocity zone criteria as the standard for all new distribution construction and system upgrades (up to 150 mph in certain areas) using construction methods such as undergrounding, stronger poles (including concrete poles where appropriate), shorter spans, and guying, (b) upgrading existing overhead main lines (feeders) initially targeting those serving top critical infrastructure facilities and major thoroughfares within the first five years, with the objective of applying NESC extreme wind-loading criteria where feasible and practical, and (c) replacing targeted components of remaining transmission and substation facilities constructed under legacy standards – all as part of a comprehensive, detailed ten-year hardening plan for distribution, transmission and substation infrastructure. Amendment of Rule 25-6.0345(1), as requested by FPL in this filing, is a necessary step to implementation of the Storm Secure Plan.

3. FPL has a substantial interest in the adoption of the proposed rule. FPL is a public utility subject to the jurisdiction of the Commission under Chapter 366, Florida Statutes (2005). FPL's General Offices are located at 9250 West Flagler Street, Miami, FL 33174.

4. Although all of FPL's distribution facilities meet or exceed applicable National Electrical Safety Code ("NESC") standards, two extraordinary hurricane seasons and the prospect of more active and intense storm seasons in the coming years have made it clear that significant changes are required in the way that Florida public utilities design, construct and operate their electrical systems. This is particularly true for FPL, whose service area has experienced the direct hit of five hurricanes as well as the impact of two others in 2004 and 2005. Standards that have worked well and provided customers with reliable service in the past will need to be enhanced going forward. Florida generally, and South Florida in particular, are much more heavily and densely populated than they were at the time of Hurricane Andrew; customers' expectations have changed; and there is good evidence that we are in a more active part of a multi-decade hurricane cycle and can expect more frequent and intense storm events. Certainly, this is the belief of most Floridians as well as that of state and local government at all levels.

5. On January 23, 2006, the Commission held an Electric Infrastructure Workshop in Tallahassee. One of the objectives of the workshop was to "explore methods of designing and building transmission and distribution systems which will minimize long term outages and restoration costs...." Through Storm Secure, and subject to Commission approval of the steps to implement its plan, FPL intends to work to address the expectations discussed above, consistent with the public interest in a more resilient electric infrastructure.

6. Benefits of the proposed amendment to Rule 26-6.0345(1) include the following:

(A) Strengthening the electrical infrastructure is a necessary and critical step in the process of mitigating severe weather impacts on electrical facilities.

(B) Long term benefits to all customers will result from enabling the strengthening of electrical facilities to enhance their ability to withstand extreme weather events. These benefits include the reduction in the number and duration of outages and the more rapid restoration of all customers when outages do occur, particularly to critical infrastructure facilities and to main thoroughfares where businesses that provide basic necessities such as gas stations and grocery stores are located.

(C) A reduction in future storm and hurricane restoration costs to a utility's general body of customers.

7. Although the additional investment in rate base and other costs that will be incurred by utilities that implement new standards in accordance with the proposed revisions to Rule 25-6.0345(1) will not be insignificant, FPL submits that such measures and expenditures are prudent and reasonable considering the benefits described above and, in particular, from the standpoint of public policy concerns that strongly favor a more storm-resilient electric infrastructure. Accordingly, FPL requests that the Commission acknowledge the public interest of and in the actions contemplated by the proposed amendment to Rule 25-6.0345(1) as it relates to FPL's Storm Secure plan, by initiating the requested rulemaking and adopting the proposed amendment at the earliest possible date. Upon Commission approval, FPL will, in an orderly manner, begin to phase in the actions contemplated by this proposed amendment.

8. To the extent necessary or required, and upon adoption of the proposed amendment to Rule 25-6.0345(1), FPL proposes to provide the Commission, for administrative approval, maps and other information necessary to demonstrate the application of extreme winds standards throughout FPL's service territory, taking into account political and geographic boundaries and other operational considerations.

9. To facilitate implementation of its Storm Secure plan, FPL respectfully requests that this petition be acted upon on an expedited basis.

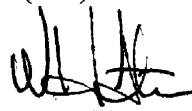
WHEREFORE, Petitioner, Florida Power & Light Company respectfully requests that the Commission initiate rulemaking to amend Rule 25-6.0345(1), Florida Administrative Code, as set forth in Exhibit B hereof, in accordance with Section 120.54, Florida Statutes.

Dated: February 20, 2006

Respectfully submitted,

Patrick M. Bryan, Esquire
Law Department
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
Telephone: (561) 304-5134
Facsimile: (561) 691-7305

By



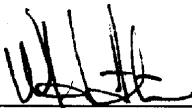
Patrick M. Bryan
Fla. Bar No. 0457523

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing “Petition to Initiate Rulemaking to Amended Rule 25-6.0345(1), Safety Standards for Construction of New Transmission and Distribution Facilities” has been furnished by U.S. Mail on this 20th day of February, 2006, to the following:

Harold A. McLean, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

By:



Patrick M. Bryan, Esquire
Fla. Bar No. 0457523

EXHIBIT A – Current Version

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(1) In compliance with Section 366.04(6)(b), F.S., 1991, the Commission adopts and incorporates by reference the 2002 edition of the National Electrical Safety Code (ANSI C-2), published August 1, 2001, as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. Each public electric utility, rural electric cooperative, and municipal electric system shall comply with the standards in these provisions. Standards contained in the 2002 edition shall be applicable to new construction for which a work order number is assigned on or after the effective date of this rule.

EXHIBIT B – Proposed Amendment

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(1) In compliance with Section 366.04(6)(b), F.S., 1991, the Commission adopts and incorporates by reference the 2002 edition of the National Electrical Safety Code (ANSI C-2), published August 1, 2001, as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. Each public electric utility, rural electric cooperative, and municipal electric system shall comply with the standards in these provisions. Standards contained in the 2002 edition shall be applicable to new construction for which a work order number is assigned on or after the effective date of this rule. In support of the public interest in strengthening electrical facilities to enhance their ability to withstand extreme weather events, a utility may exceed the minimum requirements of the applicable safety standards for distribution facilities up to and including adopting the National Electrical Safety Code (NESC) extreme wind standards for (i) new construction, (ii) major expansion, maintenance/rebuild and relocation projects, and (iii) targeted top critical infrastructure facilities and major thoroughfares, as determined by NESC extreme wind velocity zones, taking into account political and geographic boundaries and other operational considerations.