

Matilda Sanders

From: Trevor Mask [t.mask@earthlink.net]
 Sent: Friday, May 26, 2006 9:10 AM
 To: Filings@psc.state.fl.us
 Cc: Bill Willingham; Michelle Hershel
 Subject: FECA's Post May 19 Workshop Comments in Dockets 060173-EU and 060172-EU
 Attachments: Di4700605241911.PDF

Attached are FECA's Post May 19 Workshop Comments in Dockets 060173-EU and 060172-EU.

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 RCA _____
 SCR _____
 SGA _____
 SEC 1
 OTH kunt.

DOCUMENT NUMBER-DATE

04597 MAY 26 08

FPSC-COMMISSION CLERK

ORIGINAL



FECA

Florida Electric Cooperatives Association, Inc.

® 2916 Apalachee Parkway
Tallahassee, Florida 32301
(850) 877-6166
FAX: (850) 656-5485

May 26, 2006

Blanca S. Bayo, Director
Division of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Post-workshop Comments in Docket Nos. 060173-EU and 060172-EU

Dear Ms. Bayo:

Please find attached for filing the Post-Workshop Comments of the Florida Electric Cooperatives Association, Inc. in the above-referenced docket from the May 19 workshop. Please call me if you have any questions. Thank you for your assistance in this matter.

Sincerely,

William B. Willingham, Esq.

DOCUMENT NUMBER-DATE

04597 MAY 26 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendments to rules regarding)
overhead electric facilities to allow more stringent) Docket No. 060173-EU
construction standards than required by the NESC.)

In re: Proposed rules governing placement of new)
electric distribution facilities underground and) Docket No. 060172-EU
conversion of existing overhead distribution faci-)
lities to underground facilities, to address effects)
of extreme weather events.)

**SECOND POST-WORKSHOP COMMENTS OF THE
FLORIDA ELECTRIC COOPERATIVES ASSOCIATION, INC.**

The Florida Electric Cooperatives Association, Inc. (FECA), on behalf of its member cooperatives¹, by and through its counsel, files the following comments to proposed Rule 25-6.034, Standard of Construction, as discussed at the workshop on May 19, 2006. FECA also adopts and incorporates herein its written comments filed on May 3, 2006, and oral comments given on April 17 and May 19, 2006.

FECA again commends staff for their efforts in formulating a proposed rule that attempts to define construction standards for electric utilities. However, FECA believes the proposed amendments to Rule 25-6.034 exceed the Commission's limited jurisdiction over cooperatives. FECA is not willing to concede any regulatory

¹Alabama Electric Cooperative, Inc., Central Florida Electric Cooperative, Inc., CHELCO, Clay Electric Cooperative, Inc., Escambia River Electric Cooperative, Inc., Florida Keys Electric Cooperative Association, Inc., Glades Electric Cooperative, Inc., Gulf Coast Electric Cooperative, Inc., Okefenoke Rural Electric Membership Corporation, Peace River Electric Cooperative, Inc., Seminole Electric Cooperative, Inc., Sumter Electric Cooperative, Inc., Suwannee Valley Electric Cooperative, Inc., Talquin Electric Cooperative, Inc., Tri-County Electric Cooperative, Inc., West Florida Electric Cooperative, Inc., Withlacoochee River Electric Cooperative, Inc. Lee County Electric Cooperative is not a member of FECA.

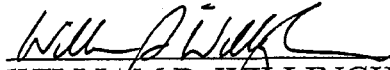
oversight to the Commission that is beyond the limited jurisdiction bestowed upon the Commission by the Florida Legislature.

Rule 25-6.034 presently does not apply to cooperatives. Continuing to exclude cooperatives from the Rule does not mean that cooperatives will fail to maintain acceptable construction standards. Historically, FECA's members have adopted policies established through the Commission's rules for IOUs when those policies are likely to improve service and/or safety, and the policies are consistent with the desires of the cooperative's members. Moreover, all of FECA's members already maintain construction standards that satisfy the criteria of the National Electrical Safety Code and conform to generally accepted engineering practices.

FECA believes Rule 25-6.034 only applies to IOU's because the Commission has previously recognized that it does not have jurisdiction over a cooperative's construction standards. Moreover, FECA believes there is no need for the Commission to "define construction standards" for cooperatives, even if jurisdiction had been conferred by the Legislature. Cooperatives already can build facilities to the extreme wind standard, and in some cases have done so. Accordingly, FECA maintains that cooperatives should continue to be excluded from the Rule and recommends that line 8 in Section (1) of proposed Rule 25-6.034 be amended as follows:

~~“This rule applies to all electric utilities, including municipal electric utilities and rural electric cooperatives, unless otherwise specified.”~~

Respectfully Submitted,



WILLIAM B. WILLINGHAM, ESQ.

(fecabill@earthlink.net)

MICHELLE HERSHEL, ESQ.

(mhershel@feca.com)

Florida Electric Cooperatives Association, Inc.

2916 Apalachee Parkway

Tallahassee, Florida 32301

850.877.6166

850.656.5485 (fax)

Attorneys for the Florida Electric Cooperatives
Association, Inc.