

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Adoption of New
Rule 25-6.0343, F.A.C., Standards of
Construction - Municipal Electric Utilities and
Rural Electric Cooperatives

DOCKET NO. 060512-EU
Filed: September 8, 2006

COMMENTS OF
FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.

Florida Municipal Electric Association, Inc. (FMEA), on behalf of its thirty-four municipal electric utility members,¹ by and through its undersigned counsel, and pursuant to Order No. PSC-06-0632-PCO-EU, hereby submits its comments to proposed rule 25-6.0343 as issued on June 28, 2006, in Order No. PSC-06-0556-NOR-EU. FMEA members may also file individual comments in this docket.

FMEA appreciates the consideration given to FMEA's previously filed comments by Public Service Commission (PSC or the Commission) Staff. Representatives of FMEA and Staff have had several productive meetings and continue to discuss and negotiate rule language to address all concerns. The Florida Electric Cooperatives Association, Inc. (FECA) has proposed a substitute version of 25-6.0343 to Staff and FMEA generally supports FECA's proposed substitute. This FECA proposed substitute rule language has been the subject of recent meetings with Staff. FMEA believes that all parties concerned expect to be able to reach agreement on FECA's proposed substitute rule; however, more discussion is necessary. Staff should be

¹ FMEA is comprised of the following municipal electric utility members: City of Alachua, City of Bartow, City of Blountstown, City of Bushnell, City of Chattahoochee, City of Clewiston, City of Fort Meade, Fort Pierce Utilities Authority, City of Gainesville d/b/a Gainesville Regional Utilities, City of Green Cove Springs, Town of Havana, City of Homestead d/b/a Homestead Energy Services, JEA, City of Jacksonville Beach d/b/a Beaches Energy Services, Utility Board of the City of Key West, Florida d/b/a Keys Energy Services, Kissimmee Utility Authority, City of Lake Worth, City of Lakeland d/b/a Lakeland Electric, City of Leesburg, City of Moore Haven, City of Mount Dora, Utilities Commission of the City of New Smyrna Beach, City of Newberry, City of Ocala d/b/a Ocala Electric Utility, Orlando Utilities Commission, City of Quincy, Reedy Creek Improvement District, City of St. Cloud, City of Starke, City of Tallahassee, City of Vero Beach, City of Wauchula, City of Williston, and City of Winter Park.

commended for the work it has done thus far to advance this important policy issue for the PSC, FMEA's member utilities, and the electric customers of the State of Florida.

I. DISCUSSION.

A. Previous Comments.

FMEA has previously filed comments regarding earlier iterations of proposed rule 25-6.0343 (comments filed on May 3 and May 26 in dockets 060172-EU and 060173-EU) and made oral comments at previous rule development workshops. With regard to those comments, FMEA remains committed to the positions articulated therein. Any proposed rule must be within the jurisdictional boundaries of the PSC as established by the Legislature.²

FMEA also reiterates its support for the collaborative process currently engaged in among Staff, FMEA and FECA.

FMEA's members agree with the policy goal of improving the hardness of transmission and distribution systems to withstand hurricanes and provide the millions of municipal electric customers with high quality, reliable service. Therefore, intending to not undercut the current collaborative process among Staff, FMEA and FECA, FMEA simply incorporates by this reference and reiterates its suggested changes included in comments previously filed and made, to the degree the language of proposed rule 25-6.0343 is the same as previous iterations, save one issue.

B. Customer and Attacher Disputes.

In the current version of the proposed rule 25-6.0343(4), it provides: "Any dispute or challenge to a utility's construction standards by a customer, applicant for service, or attaching

² Including Section 366.04, Florida Statutes, which provides that compliance with the National Electrical Safety Code "constitute[s] acceptable and adequate requirements for the protection of the safety of the public . . . and good engineering practice"

entity shall be resolved by the Commission.” This language must be stricken. Even if it were clear the PSC had such jurisdiction, which it is not, it makes no sense for the Commission to act as the arbiter of such locally focused disputes. First, it is difficult to conceive of a dispute between a customer and municipal electric utility over construction or attachment standards. Even if such a dispute could be imagined, the local municipal electric utility (including locally elected boards or commissions)—politically accountable to its customers and locally available—is the appropriate body to address such a dispute. Second, any dispute with an attaching entity will be a contractual dispute having only a local effect. The attaching entity has recourse through the courts. Clearly, such issues are not within the PSC’s purview.

C. Staff Revised Proposed Rule of September 8.

Today, FMEA received a revised proposed rule from Staff. FMEA is generally in agreement with the revision, save some modest changes which we are confident can be worked out with Staff. FMEA is appreciative of the efforts of Staff in crafting today’s revision.

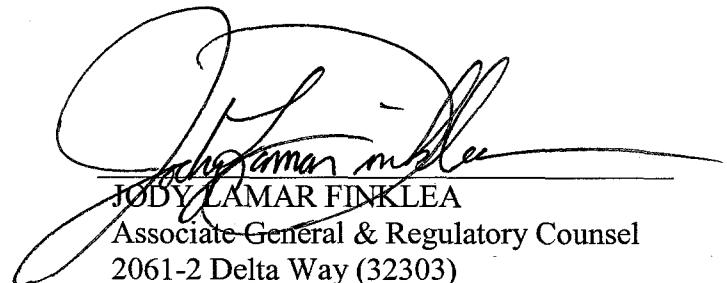
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II. CONCLUSION.

As we approach the peak of this year's hurricane season, FMEA's thirty-four municipal electric utility members remain committed to diligently hardening their systems against storm damage and preparing for timely and efficient storm recoveries. Accountable to the local communities they serve, municipal electric utilities personnel (from elected officials to green apprentices) are keenly aware of the concerns of their customers, who are their friends and neighbors. FMEA looks forward to continuing to work with the Commission and Staff on these important issues.

RESPECTFULLY submitted this 8th day of September 2006.

FREDERICK M. BRYANT
FMEA General & Regulatory Counsel

A handwritten signature in black ink, appearing to read "Jody Lamar Finklea", is written over a horizontal line. The signature is fluid and cursive, with a large loop at the beginning and a long tail extending to the right.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. mail this 8th day of September 2006, to the following:

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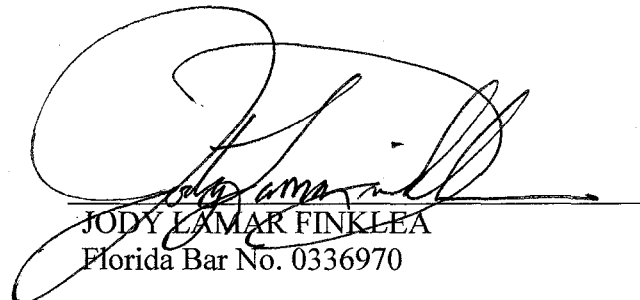
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