



ORIGINAL City of North Miami

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V. Lynn Whitfield
City Attorney

October 6, 2006

Director
Division of the Commission Clerk and Administrative Services
Public Service Commission (PSC)
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: City of North Miami's enclosed Petition of Order No. PSC-06-0781-PAA-EI.

Dear Commission Clerk Director:

Enclosed please find the City of North Miami's Petition to the above-referenced proposed agency action Order and a copy. Please file the Petition and advise whether the requested Section 120.569 hearing is granted. If possible, please send the copy back to me, showing the date on which it was received by the PSC, via U.S. Mail using the postage paid, self-addressed envelope I am also providing herein

Respectfully,

MARIA E. ANTONATOS
Acting Assistant City Attorney

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TH *Kim B. Lockard*

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FPSC COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

The City of North Miami, a municipal corporation, Petitioner.

In re: Requirement for investor-owned electric Utilities to file ongoing storm preparedness plans and implementation cost estimates.

DOCKET NO. 060198-EI
ORDER NO. PSC-06-0781-PAA-EI
ISSUED: September 19, 2006

PETITION REQUESTING A SECTION 120.569 HEARING

PLEASE TAKE NOTICE that the City of North Miami, Miami-Dade, Florida (“the City”), petitions this administrative agency for review of its September 19, 2006 ADMINISTRATIVE ORDER NO. PSC-06-0781-PAA-EI. The City contends that with regard to the findings made by the Commission as to Florida Power and Light (“FPL”) in connection with frequency of required tree trimmings that the Commission erred. The City has a substantial interest in the frequency of tree trimmings to be performed within its boundaries. The City is the fifth largest city in Miami-Dade County and has a substantial interest in reducing Customer Interruptions (CI) due to power outages attributed to overgrown vegetation. This is especially true as this is a hurricane prone area with significant foliage. As a matter of fact, the City of North Miami is an area where trees are encouraged and are also protected from destruction. It is significant to note that the City has been “registered” as a Tree City with Tree City USA for the past sixteen years. We are known for our tree lined streets and medians. And the City’s Parks and Recreation Department maintains more than 18,000 trees City wide, 15,000 of them being swale or median trees. These trees are important to our environment and are a valuable City asset of over Ten Million Dollars (\$10,000,000.00). Often these trees are located close to power lines and therefore need to be maintained as not to interfere in the service provided. A six year maintain schedule would allow for substantial growth to occur without maintenance.

The Petitioner received notice of the above-referenced agency action by a written Notice of Proposed Agency Action Order received from the agency on or about September 26, 2006.

The City does not concur with the agency’s conclusion that FPL’s “alternative,” as it relates to frequency of tree trimmings by the FPL, is “better” insofar as the FPL plan calls for “a phased-in approach to transition from the current vegetation management program to the three-year program.” While FPL’s plan could be appropriate for North Florida, the City would dispute FPL’s implication that a six-year tree trimming plan would be appropriate for the South Florida municipality of North Miami, especially given the correlation between the storm-related Customer Interruptions (CI) and the frequency of the trim cycles. Specifically, FPL’s analysis is “based on various assumptions” that are far too speculative and furthermore FPL has a stake in keeping its costs low. Table 1 in the Order entitled “Summary of Vegetation Management Options Considered by FPL” begs the question of whether FPL considered any other relevant factors. The City contends that the alternative plan set forth by FPL, while rich with data, is actually

“worse” in terms of *overall* costs and reliability in preparing South Florida for future storms where the standard is “equivalent to or better than a three-year trim cycle.”

FPL provided its estimate that cost per avoided storm CI would be approximately \$129 for its alternative under a combined 3-year feeder cycle and 6-year Lateral cycle) and further asserted that any moneys spent by it above the \$129 would produce only a diminishing return to strongly suggest that it is simply not feasible to spend more than the \$129 per avoidance in costs. The chart itself erroneously leads one to believe that if as much as \$280 in costs were incurred by FPL under a solely 3-year cycle for all distribution circuits that the incremental number of CI’s avoided diminishes in proportion to the money spent. This argument is further weakened by the fact that FPL, by urging this agency to make a finding derived exclusively from the results of a cost benefit analysis, fails to distinguish between different circuits. For instance, the vegetation and foliage in South Florida is markedly different from that which exists in North Florida. In fact, even in good weather Palm Trees must be trimmed and maintained on a regular basis. The City suggests that trees in North Miami should be trimmed more regularly than on a six-year cycle. It is questionable as to whether any real support exists for the estimates appearing on the chart (Table 1).

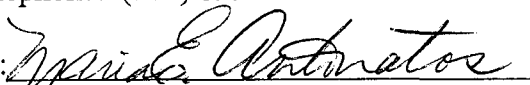
Implementing this Order would not only maintain the danger of outages during storms but would also hamper storm recovery to the residents, businesses, and government located in North Miami, Florida. Respectfully, the City of North Miami requests a hearing on this matter.

WHEREFORE, the City of North Miami, an interested party pursuant to Fla. ADC 25-22.029(3) prays for relief from this Honorable Agency in the form of an amended order requiring three-year tree trimming cycles by FPL in North Miami.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. Mail on this 6th day of October, 2006 to: the Director, Division of the Commission Clerk and Administrative Services/Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Respectfully submitted,

V. LYNN WHITFIELD
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By: 
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FLORIDA BAR NO. 0173071