

ORIGINAL

STATE OF FLORIDA

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OFFICE OF THE GENERAL COUNSEL  
MICHAEL G. COOKE  
GENERAL COUNSEL  
(850) 413-6199

Public Service Commission

October 23, 2006

RECEIVED - FPSC  
05 OCT 24 AM 11:03  
COMMISSION CLERK

Mr. Eric Doyle  
Streamline Hotel  
140 South Atlantic Blvd.  
Daytona Beach, FL 32118

Re: Docket No. 060488-EI – Complaint No. 665167E of Streamline Hotel a/k/a Daytona Hostelry against Florida Power & Light Company regarding point at which FPL maintains and has responsibility for wiring.

Dear Mr. Doyle:

Pursuant to your request, attached is a copy of the data request responses we received from Florida Power and Light. I apologize for not getting the information back to you sooner.

In your letter, dated September 21, 2006, you questioned whether there was any progress in settlement of your complaint. In the informal conference, the Commission staff informed you that it was their opinion that the Commission was without jurisdiction to award monetary damages as you requested. After reviewing case law and prior commission orders, I remain of the opinion that the Public Service Commission has limited jurisdiction in your particular case. The Commission only has such authority as granted to it by the state legislature. The Commission regulates a utilities' services and charges, but it does not have authority to settle any claim for negligence on the part of a utility. It is my legal opinion that the particular issues you raise regarding loss of business and the costs of moving the current transformer and cabinet should be decided in an appropriate court of law. [See Southern Bell Telephone and Telegraph Co v. Mobile America Corporation, Inc., 291 So. 2d 199 (Fla 1974)]

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC | \_\_\_\_\_
- OTH \_\_\_\_\_

The Commission does have jurisdiction to determine the line of demarcation (where the utility's responsibility for wiring stops and the property owner's responsibility begins) and the Commission has jurisdiction to interpret FPL's tariff regarding ownership of the wiring inside of the current transformer cabinet. I currently have the portion of your complaint dealing with the demarcation point scheduled to go before the Commission on December 19, 2006. I have not scheduled the issue of damages to be heard by the Commission on December 19, 2006 because it is my opinion that the issue of damages is outside the scope of Commission's jurisdiction.

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FPSC - COMMISSION CLERK

Mr. Eric Doyle  
Page 2  
October 23, 2006

Having stated my opinion, if you disagree with my position regarding the Commission's authority to award damages in your particular case and you still wish to ask the Commission to award you damages against FPL, you may file a formal petition for relief against FPL with the Division of the Commission Clerk and Administrative Services. The formal petition must be filed pursuant to the provisions of Chapter 120, Florida Statutes, and the Uniform Rules of Administrative Procedure found in Chapter 28-106, Florida Administrative Code. FPL will have the opportunity to respond to your petition, and the Commission staff will take a recommendation for the Commission's review at one of its regularly scheduled Agenda Conferences, at which you would have the opportunity to participate.

After you have reviewed this letter and the data requests, if you have any questions you may contact me or you may have your attorney contact me at (850) 413-6230.

Sincerely,

A handwritten signature in black ink that reads "Lisa C. Bennett". The signature is written in a cursive style with a large, prominent "L" and "B".

Lisa C. Bennett  
Attorney

LCB:jb

cc: Natalie Smith, Florida Power & Light Co.  
Division of Economic Regulation (Kummer)  
Division of the Commission Clerk and Administrative Services (Docket file)

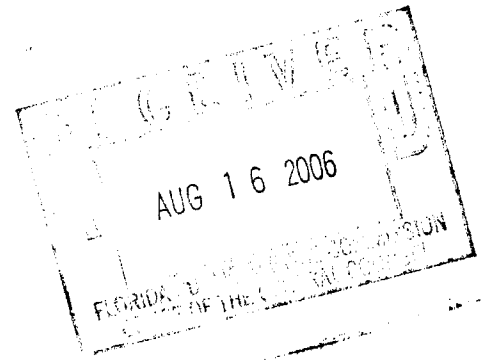


Natalie F. Smith  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 691-7207  
(561) 691-7135 (Facsimile)

August 10, 2006

VIA ELECTRONIC MAIL AND U.S. MAIL

Lisa C. Bennett, Esq.  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850



Re: **Docket No.: 060488**  
*Complaint of Streamline Hotel a/k/a Daytona Hostelry against  
Florida Power & Light*  
Response to Staff's Data Request Dated: August 3, 2006

Dear Ms. Bennett:

By this letter, Florida Power & Light ("FPL") responds to Staff's data request dated August 3, 2006 as follows:

1. During the informal meeting, the engineer for FPL stated that there was a 1935 document provided to customers at the time, including Streamline Hotel. The document described who had maintenance responsibilities for the wiring and or meter housing and current transformers. Please provide the PSC with a copy of that document.

**FPL's Response: The January 1, 1935 document produced by FPL during the informal meeting was FPL's Service and Meter Rules and Regulations for single and polyphase installations requiring current transformers. The document outlines the material furnished and installed by FPL and the materials furnished and installed by the consumer.**

**See Attachment #1: January 1935 Document**

2. Did FPL own the current transformers that were housed in the meter casing at the Streamline Hotel?

**FPL's Response:** Yes, FPL owns the current transformers. The current transformers are not housed in the meter casing. Rather, they are housed in the Current Transformer Cabinet.

3. When responding to this question, please respond for both commercial and residential properties. Who owns the meter base, or casing or the housing in which the meter is kept?

**FPL's Response:** The customer owns the meter can and Current Transformer Cabinet. This applies to both commercial and residential properties.

Who owns the wiring, if any, found inside of the housing, or casing or meter base?

**FPL's Response:** The wires that are in the meter can are control wires that feed from the Current Transformer Cabinet to the meter can and they are owned by FPL. The FPL control wires running from the Current Transformer Cabinet to the meter can are used by FPL to measure (meter) the load being used by the customer. The customer's load is not served from the meter can. The customer's load wires are connected to FPL line wires at the weather head. The customer owned wires extend from the weather head to the Current Transformer Cabinet (customer owned) and on to the Load Center or Breaker Cabinet (customer owned). See Attachment # 2: Previous Diagram of Streamline Hotel.

4. In responding to question 3 above, provide any evidence, including tariff references, building code references or actual practice, to support your response.

**FPL's Response:** FPL's Tariff and Electric Service Standards and FPSC Order No. 18893 (Docket 870225-EI, issued February 22, 1988)

**FPL's Tariff Sheet 6.020**

**2.3 Point of Delivery.** This is the point where the Company's wires or apparatus are connected with those of the Customer. The point of delivery shall be determined by the Company.

**FPL's Tariff Sheet 6.030**

**4.1 Customer's Installation.** The Customer's installation consists of and includes all wires, cutouts, switches and appliances and apparatus of every kind and nature used in connection with or forming a part of an installation for utilizing electric service for any purpose, (excepting meters and associated equipment), ordinarily located on the Customer's side of "Point of Delivery," and including

"Service Entrance Conductors," whether such installation is owned outright by the Customer or used by the Customer under lease or otherwise.

FPL's Tariff Sheet Sheet 6.080

**POINT OF DELIVERY** - The point where the Company's wires or apparatus are connected to those of the Customer. See Section 10.2.11.

**SERVICE ENTRANCE CONDUCTORS** -- The Customer's conductors from point of connection at the service drop or service lateral to the service equipment.

FPL's Electric Service Standards

#### IV. SERVICE and METER CONNECTIONS

##### A. Service Equipment

##### 1. General

The Customer should consult FPL at an early stage to verify availability of service (section II.C) and to determine the FPL designated point of delivery (section III.B). Contact with FPL should be made before the purchase of equipment and its installation. This FPL approval is not a substitute for inspection and approval by the local electrical inspection authority. FPL assumes no responsibility for the Customer's wiring installation. Upon request, FPL will inform the Customer of available short circuit currents. *The Customer shall provide, install, own, and maintain all service entrance conductors, service equipment, and metering equipment cabinets (section VI).* The service equipment usually consists of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of the supply conductors to the buildings or otherwise defined area. It is intended to be the main control and means of cutoff of the supply. FPL will provide, install, own and maintain adequate meters to measure the electrical quantities required to apply its rate schedules and contracts. The Customer may choose the type of service equipment he prefers, consistent with local building codes and the National Electrical Code (NEC). It shall be able to successfully interrupt the maximum fault current available at its location. Where load growth is possible, FPL recommends that the capacity of service entrance conductors and service equipment be greater than the minimum requirements of the NEC or other local codes. FPL encourages residential Customers to install a service entrance with a capacity of at least 150 amperes for average homes and more in the case of larger homes. Service entrance equipment should be in a location which is accessible and not likely to become obstructed. No fuses should be installed at any point in the grounded neutral conductor of the service entrance. No resistor or reactor or other similar fault current limiting device shall be installed in the neutral or the phase conductors of the service entrance without the approval of FPL. Where customer owned stepdown transformers are required they shall be installed on the load side of the meters. Where permitted by applicable codes, the service equipment will be on the load side of the meters except that if the service is fed from the City of Miami Downtown Network Grid, the service equipment will precede the meter. A main disconnecting switch may

be ahead of the meters when more than six meters are grouped (Fig. IV-12b). This is because the NEC requires a main disconnect switch where it would otherwise be necessary to operate more than six switches to completely disconnect the building service. When installed ahead of the meters, the door of the main switch shall be sealable in both the "on" and "off" positions. The handle shall be sealable in the "off" position. *The use of a Metallic fishtape to pull service conductors into FPL owned equipment is not allowed.*

See Attachment #3: FPSC Order No. 18893

5. If the response to question 3 above is that the customer/property owner owns any wiring inside the meter base or casing or housing for the meter, explain the procedure by which the property owner is given access to wiring inside the meter base in order to do maintenance and repairs.

**FPL's Response:**

As indicated in question 3 above the customer does not own any of the wiring inside the meter base or casing or housing for the meter. The customer does own wiring inside the Current Transformer Cabinet. When the customer needs access to the wires inside the Current Transformer Cabinet, the customer (or their contractor) requests a disconnect/reconnect appointment from FPL (there is no charge for this service). Once repairs are completed, and any required inspections are passed, FPL will reconnect the service.

6. In responding to question 5 above, provide any evidence, including tariff references, building code references or actual practice, to support your response.

**FPL's Response:**

**FPL's Electric Service Standards**

**H. Unauthorized Connections & Disconnections**

All connections of the Customer's wiring to that of FPL, all disconnects of service entrance conductors, all meter removals and installations and all breaking of FPL meter equipment seals shall be made only by FPL, except as allowed in Section III.I of these standards. Any other connection or disconnection of FPL's service by the Customer or his agent is prohibited. If done with the intent to injure or defraud, it is punishable by law. Violators will be prosecuted.

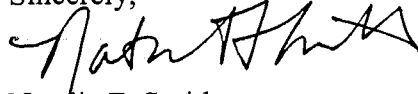
**I. Change in Service Requirements (Service Changes)**

The Customer will normally own all the service facilities on his side of the point of delivery; i.e., the point where FPL's wires carrying the voltage of supply are to join the Customer's wires, except for the meters which will be owned by FPL. The Customer shall notify FPL, in advance, when a change in service (service change) is being considered to accommodate provisions that service and metering facilities remain adequate. *When a service change requires disconnection of FPL's service, the customer shall request a disconnect/reconnect from FPL. The Customer shall establish an*

*advance appointment to ensure proper coordination between his electrical contractor and FPL crews who will disconnect the service and later reconnect after an inspection (when required by local authorities) is received.*

If you have any further questions or would like to discuss, please contact me.

Sincerely,

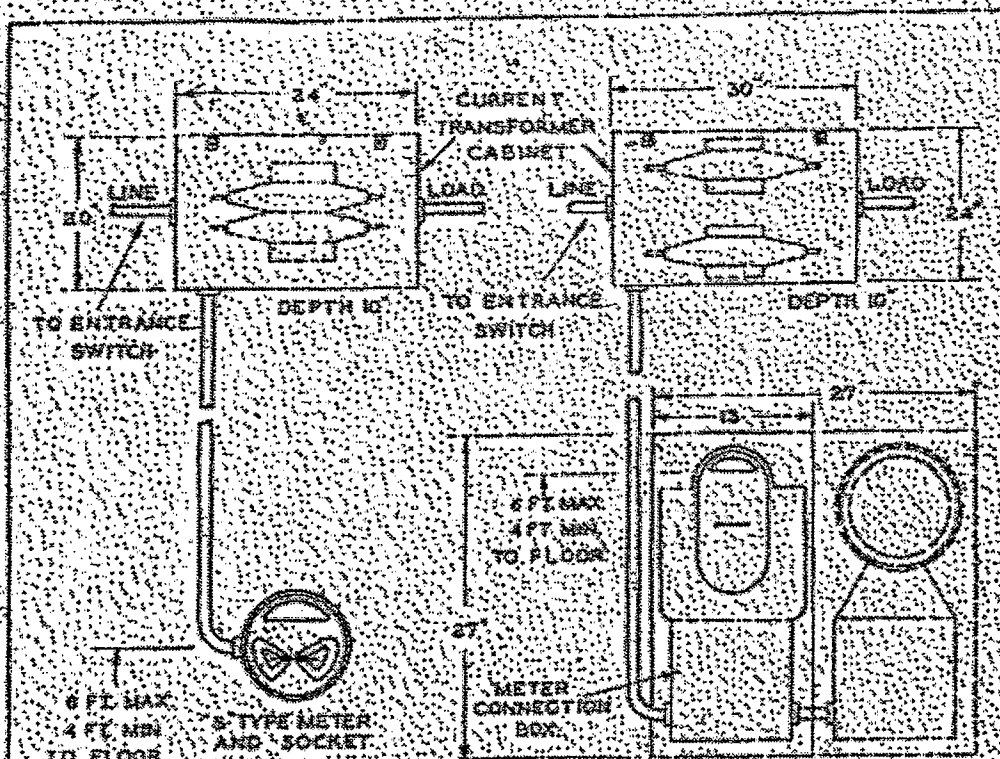


Natalie F. Smith

NFS:jp

Attachments as indicated

cc: Bureau of Complaint Resolution (Hicks)  
Division of Economic Regulation (Kummer)  
Eric Doyle



SINGLE PHASE  
3 WIRE - 115/230 V

POLYPHASE  
3 & 4 WIRE - 115/230 V

DIAGRAMMATIC ONLY

**SINGLE AND POLYPHASE INSTALLATIONS  
REQUIRING CURRENT TRANSFORMERS  
(ENTRANCE FUSES OVER 100 AMPS)**

FOR INSTALLATIONS REQUIRING CURRENT TRANSFORMERS THE COMPANY WILL FURNISH AND INSTALL ALL METERS, CURRENT TRANSFORMERS, AND LEADS REQUIRED BETWEEN CURRENT TRANSFORMER CABINET AND METERS.

THE CONSUMER SHALL FURNISH AND INSTALL CONDUIT AND WIRING UP TO CURRENT TRANSFORMER CABINET LEAVING SUFFICIENT LEADS FOR CONNECTION AND MIN CONDUIT BETWEEN METERS AND CURRENT TRANSFORMER CABINET.

THE COMPANY WILL FURNISH AND THE CONSUMER SHALL INSTALL CURRENT TRANSFORMER CABINETS AND METER CONNECTION BOXES.

**SERVICE AND METER  
RULES AND REGULATIONS  
FLORIDA POWER & LIGHT COMPANY**

MIAMI, FLORIDA

JAN. 1935

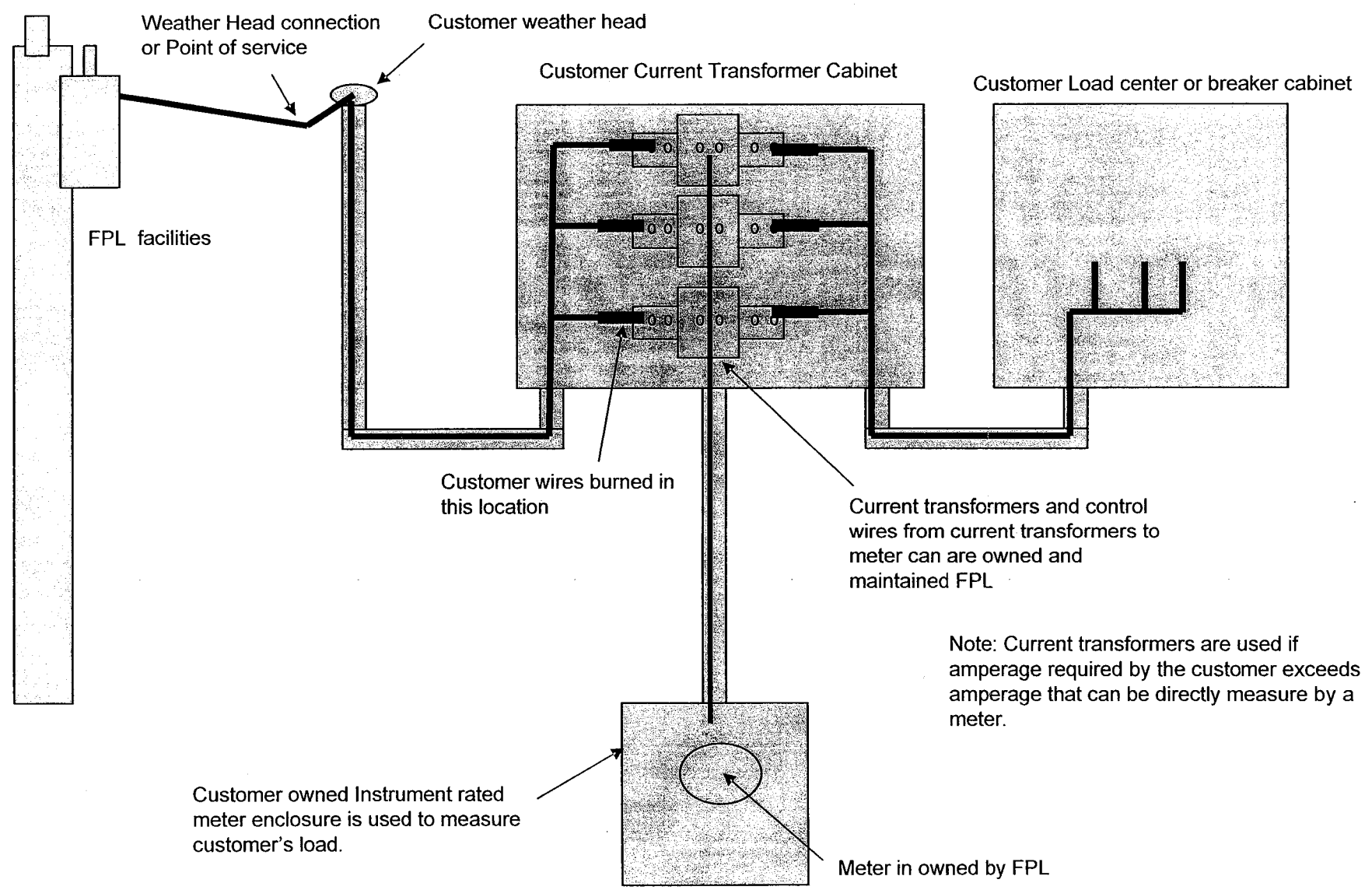
A-5217



# Previous Block diagram of Streamline Hotel

———— FPL owned  
———— Customer owned

All the load carrying wires from point of service or weather head connections are owned by the customer.



ATTACHMENT#3

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company for Authority to Require Customers to Obtain Their Own Self-Contained Meter Enclosures	)	DOCKET NO. 870225-E1
	)	ORDER NO. 18893
	)	ISSUED: 2-22-88
	)	

The following Commissioners participated in the disposition of this matter:

KATIE NICHOLS, CHAIRMAN  
THOMAS M. BEARD

ORDER GRANTING PETITION

BY THE COMMISSION:

This proceeding was begun by the filing of a Petition by Florida Power & Light Company (FPL) on March 3, 1987, seeking relief from the Commission's directive in paragraph numbered five of Order No. 6674, dated May 20, 1975, in Docket No. 71632-EU(CI). That directive required FPL, and certain other regulated electric utilities, to provide meter sockets and bases (self-contained meter enclosures) at no cost to contractors for customers. By its petition, FPL requests authority to require its customers to hereafter obtain their own self-contained meter enclosures.

Having reviewed the entire record in this proceeding, including FPL's filing and responses to Staff's interrogatories, we find that FPL now incurs annual expenses in excess of \$3 million in acquiring, providing, and maintaining self-contained meter enclosures for its customers. Those costs are incurred by FPL because of the requirement in Order No. 6674, that such costs be borne by the utility rather than the customers. This policy, which was instituted some 13 years ago, was predicated upon our concern at that time that investor-owned utilities (except Reedy Creek Utilities Company) use uniform methods in determining costs for providing underground electric systems. We now find this practice to be inconsistent with the ratemaking principle that those persons creating a cost be responsible for its payment. Since self-contained meter enclosures are not a part of the utility function, but simply house the meter itself, their costs should be borne by the customer when the structure is initially wired for electric service or when it must be replaced due to obsolescence or wear. The burden of maintaining and repairing the enclosures must likewise rest with the customer. This is consistent with good ratemaking principles and provides consistency with FPL's tariff. We note, however, that FPL will continue to work closely with contractors and specify the appropriate type of meter enclosure and its suggested location. If service is interrupted in the future because of an enclosure problem, FPL will temporarily restore service, if possible, and advise the customer of his responsibility to repair or replace the enclosure.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition of Florida Power & Light Company is granted and Florida Power & Light Company is hereby relieved of the requirement of paragraph numbered five of Order No. 6674, Docket No. 71632-EU(CI) that it provide meter sockets and bases (self-contained meter enclosures) at no cost to contractors (or customers). It is further

DOCUMENT NUMBER DATE

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10-RECORDS/REPORTING

ORDER NO. 18893  
DOCKET NO. 870225-EI  
PAGE 2

ORDERED that Docket No. 870225-EI is hereby closed.

By ORDER of the Florida Public Service Commission,  
this 22nd day of FEBRUARY, 1988

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

MRC