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-M-E-M-O-R-A-N-D-U-M-COMMISSION
CLERK

DATE: November 29, 2006
TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director
FROM: Lawrence D. Harris, Senior Attorney, Office of the General Counsel *L.D.H.*
RE: Docket Nos. 060172-EI & 060173-EI

Please file the attached correspondence from the Florida Cable Telecommunications Association, Embarq Florida, Inc., BellSouth Florida, Inc., and Florida Power & Light Company in the above referenced dockets.

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

DOCUMENT NUMBER-DATE

10873 NOV 29 06

FPSC-COMMISSION CLERK

Hendrix, Jerry D

From: Kay, Jennifer
Sent: Monday, October 30, 2006 6:37 PM
To: Hendrix, Jerry D
Subject: FW: FCTA Concerns with Staff's Revisions to Pole Harending Rules.

Jerry: Here are Michael's comments to circulate to the group.

From: Michael Gross [mailto:mgross@fcta.com]
Sent: Monday, October 30, 2006 6:14 PM
To: Kay, Jennifer
Subject: FCTA Concerns with Staff's Revisions to Pole Harending Rules.

Jennifer:

These are some of the concerns of the FCTA with Staff's latest revisions. Please circulate to the group for tomorrow's meeting.

Rule 25-6.034 Standard of Construction

This rule no longer contains the provisions requiring the IOUs to establish construction standards, but now simply requires compliance with the applicable NESC Code. (2) (a) and (b) should specify the applicable edition of the NESC Code for "facilities" (which would include communications facilities of 3rd party attachers) and not just "electric facilities." That way, 3rd party attachers benefit from the grandfather clause for facilities constructed prior to 2007, and the rule would be consistent with the Code.

(2)(b) should be modified to read: "Facilities constructed prior to the effective date of the 2007 edition of the NESC shall be governed by the applicable edition of the NESC as stated in NESC Rule 013.B.1., 013.B.2., and 013.B.3." The 2002 NESC sets forth 3 different scenarios for existing installations, and (b) as stated is incorrect. See Posthearing Comments of Mickey Harrelson, at p. 4, dated 10-2-06.

Rule 25-6.0341 Location of the Utility's Electric Distribution Facilities

This rule provides for the placement of facilities "to the extent feasible and cost-effective" for the IOU and in the judgment of the IOU, but should consider the feasibility and costs of customers and 3rd party attachers. (4) provides for discretionary IOU evaluation of input from and coordination with attachers where expansion, rebuild, or relocation results in relocation of attachers' facilities from the rear lot to the front lot. This language may be worse than the previous language, since the previous language covered all impacts on attachers and not just rear lot to front lot situations.

Rule 25-6.0342 Electric Infrastructure Storm Hardening

This rule is no longer labeled as the Attachment Standards and Procedures rule, but as will be discussed below, still contains several provisions affecting our third party attachments rights. The rule has been recast to achieve the goals of safety, reliability, strengthening, and reduction of restoration costs and outage times. IOUs would be required to file Storm Hardening Plans within 90 days of the effective date of the rule, and the Plans would have to be approved by the FPSC.

(4) requires IOUs to explain their "Deployment Strategy, including the extent to which electric infrastructure improvements involve joint-use facilities on which third party attachments exist. The IOUs are still required in (5) to maintain Attachment Standards and Procedures. It is not as clear as it should be that (5) dealing with third party attachments is part of the Plan to be approved by the FPSC. Staff assured me that this subsection is intended to be part of the Plan, so a simple reference to the Plan in the first sentence would suffice. Section (5) on line 11, page 5, contains language, "as far as is reasonably possible," that is far too broad and should read "as far as is reasonably *practicable*."

10/31/2006

There is a FCC savings clause which may not go far enough in recognizing the FCC's jurisdiction over third party attachments. Reference is made that the rule is not intended to conflict with the FCC's jurisdiction over the rates, terms, and conditions of pole attachments, but no reference is made to the FCC's jurisdiction over mandatory, nondiscriminatory access rights. The FCTA will suggest language that makes it clear that the rule is not intended to conflict with FCC jurisdiction over access to poles, as well as the rates, terms, and conditions of pole attachments. Additionally, this FCC savings clause should be moved to the end of the rule in a new section (8).

(6) contains a discretionary requirement that the IOUs consider input from third party attachers with "existing agreements." This language does not recognize the myriad examples of lawful attachments on poles without existing agreements. A case in point is our FCC case with Gulf Power where we are operating under expired agreements under litigation. No other reference to 3rd party attachments in the rule requires an existing agreement, so this concern can be resolved by allowing input from "other entities that share the use of its electric facilities." (4) (e) does require the IOUs to provide, as part of the FPSC approval process, an estimate of the costs and benefits to third party attachers obtained as a result of their input under (6). This provision may effectively obligate the IOUs to give our input serious consideration in order to obtain FPSC approval.

Subsection (7) provides that any dispute or challenge, including those related to attachment standards and procedures, brought by a third party attacher, shall be resolved by the FPSC. The items enumerated as covered by the dispute resolution clause only cover the Plan itself, but not the implementation or deployment of an actual project. It is suggested that **implementation strategy** on line 22, page 5, be changed to **deployment strategy**, followed by "attachment standards and procedures, **or projects implementing any of the above**"

Rule 25-6.045 Safety Standards for Construction of New Transmission and Distribution Facilities

The references to the applicable edition of the NESC Code should apply to "facilities" rather than just "electric facilities" in order to assure that communications facilities/third party attachments are grandfathered in when constructed prior to the 2007 Code, and well as for consistency with the Code. Section (1), lines 8, 9, and 10 should be modified to read: "Facilities constructed prior to the effective date of the 2007 edition of the NESC shall be governed by the applicable edition of the NESC as stated in NESC Rule 013.B.1., 013.B.2., and 013.B.3." The 2002 NESC sets forth 3 different scenarios for existing installations, and the language as currently stated is incorrect. See Posthearing Comments of Mickey Harrelson, at p. 4, dated 10-2-06.

Michael

Michael A. Gross
Vice President, Regulatory Affairs & Regulatory Counsel
Florida Cable Telecommunications Association
246 E. 6th Avenue
Tallahassee, FL 32303
850/681-1990
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mgross@fcta.com

FCC Savings Clause

Currently says:

Nothing in this Rule is intended to conflict with Title 47, United States Code, Section 224, relating to Federal Communications Commission jurisdiction over the rates, terms and conditions of pole attachments.

Acceptable Options:

Nothing in this Rule is intended to conflict with Federal Communications Commission jurisdiction over pole attachments or to limit or impair the rights arising under Title 47, United States Code, Section 224.

Deleted: Title 47, United States Code, Section 224, relating to

Deleted: the rates, terms and conditions of

Nothing in this Rule is intended to conflict Federal Communications Commission jurisdiction over pole attachments or the rights arising under Title 47, United States Code, Section 224.

Deleted: with Title 47, United States Code, Section 224, relating to

Deleted: the rates, terms and conditions of

Nothing in this Rule is intended to conflict with the FCC's jurisdiction granted by Title 47, United States Code, Section 224, or the rights arising thereunder.

Deleted: relating to Federal Communications Commission jurisdiction over the rates, terms and conditions of pole attachments

Nothing in this Rule is intended to conflict with Title 47, United States Code, Section 224, relating to Federal Communications Commission jurisdiction over pole attachments.

Deleted: the rates, terms and conditions of

Nothing in this Rule is intended to conflict with Title 47, United States Code, Section 224, relating to Federal Communications Commission jurisdiction over access to poles and the rates, terms and conditions of pole attachments.

Nothing in this Rule is intended to conflict with Title 47, United States Code, Section 224, including Federal Communications Commission jurisdiction over the rates, terms and conditions of pole attachments.

Deleted: relating to

Larry Harris

From: Masterton, Susan S [LTD] [Susan.Masterton@embarq.com]
Sent: Tuesday, October 31, 2006 5:23 PM
To: Larry Harris
Cc: Rehwinkel, Charles J [LTD]; jerry.hendrix@bellsouth.com; dorian.denburg@bellsouth.com; Nancy Sims; james.meza@bellsouth.com; stan.greer@bellsouth.com; jennifer.kay@bellsouth.com; David Christian; de.oroark@verizon.com; Chris McDonald; Michael Gross; gene@penningtonlaw.com; swright@yvlaw.com
Subject: Rule Revisions

Larry, below are suggested revisions to address the concerns discussed this morning with the "shall/may" issue regarding electric utility submission of storm hardening plans. (In the interests of getting this to you quickly, I have only included the subsections that are revised using the draft Dorian provided this morning as a base.) In addition, the changes address the concern expressed that it be clear that attaching entities have standing. Our changes are noted in blue and in all caps.

All of those who attended the meeting this morning (and who are copied on this e-mail) have agreed to the submission of these revisions.

We look forward to hearing from you regarding our suggested changes.

Rule 25-06.0342 Electric Hardening Standards

2) Storm Hardening Plans. Each investor-owned utility [DELETEDmayDELETE] SHALL, no later than 90 days after the effective date of this rule, file with the Commission for its approval a detailed storm hardening plan. COMMISSION APPROVAL OF ANY ELECTRIC UTILITY'S PLAN SHALL NOT BE CONSTRUED AS A REQUIREMENT TO HARDEN. Any plan filed shall be updated every three years, unless the Commission, on its own motion or on petition by a substantially affected person, ANY THIRD PARTY ATTACHER, ANY ENTITY WHICH SHARES THE USE OF THE ELECTRIC FACILITIES, or a utility, initiates a proceeding to review and, if appropriate, modify the plans. When filing its plan, or updated or modified plan, the electric utility shall serve all of the parties to this docket and all affected attaching entities with a copy at the same time it files the document with the Commission. [Discuss how attaching entities receive notice if modification is prompted by Commission or other person/utility.] In a proceeding to approve a utility's plan, the Commission shall consider whether the utility's plan meets the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner to the affected parties, BASED ON EACH UTILITY'S SPECIFIC CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE UTILITY'S GEOGRAPHY AND ACTUAL STORM DAMAGE AND RESTORATION EXPERIENCE.

(3) Contents of Plan: each utility storm hardening plan shall contain a detailed description of the construction standards, policies, practices, and procedures employed, BASED ON EACH UTILITY'S SPECIFIC CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE UTILITY'S GEOGRAPHY AND ACTUAL STORM DAMAGE AND RESTORATION EXPERIENCE, to enhance the reliability of overhead and underground electrical transmission and distribution facilities in conformance with the provisions of this rule. Each filing shall address, BASED ON EACH UTILITY'S SPECIFIC CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE UTILITY'S GEOGRAPHY AND ACTUAL STORM DAMAGE AND RESTORATION EXPERIENCE, the extent to which the utility's storm hardening plan:

(a) Complies, at a minimum, with the National Electric Safety Code (ANSI C-2) [NESC] that is applicable pursuant to Rule 25-6.034(2), F.A.C.

(b) Adopts [DELETEDtheDELETE] STRENGTH STANDARDS WHICH EXCEED THE NESC REQUIREMENTS, INCLUDING BUT NOT LIMITED TO extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC for the following distribution facilities:

1. new construction;
2. major planned work, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule; and
3. critical infrastructure facilities and major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations.

(c) Is designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges.

(d) Provides for the placement of new and replacement distribution facilities so as to facilitate safe and efficient access for installation and maintenance pursuant to Rule 25-6.0341, F.A.C.

(4) Deployment Strategy: Each utility storm hardening plan shall explain the systematic approach the utility will follow to achieve the desired objectives of enhancing reliability and reducing restoration costs and outage times associated with extreme weather events, BASED ON EACH UTILITY'S SPECIFIC CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE UTILITY'S GEOGRAPHY AND ACTUAL STORM DAMAGE AND RESTORATION EXPERIENCE. The utility's storm hardening plan shall provide a detailed description of its deployment strategy including, but not limited to the following:

(a) A description of the facilities affected; including technical design specifications, construction standards, and construction methodologies employed.

(b) The communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and major thoroughfares pursuant to subparagraph (3)(b)3, are to be made.

(c) The extent to which the electric infrastructure improvements involve joint-use facilities on which third party attachments exist.

(d) An estimate of the costs and benefits to the utility of making the electric infrastructure improvements, including the effect on reducing storm restoration costs and customers outages.

(e) An estimate of the costs and benefits, obtained pursuant to subsection (5) below, to third-party attachers affected by the electric infrastructure improvements, including the effect on reducing storm restoration costs and customers outages realized by the third-party attachers.

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1 PART III

2 GENERAL MANAGEMENT REQUIREMENTS

3 25-6.034 Standard of Construction.

4 (1) The facilities of each utility shall be constructed, installed, maintained and
5 operated in accordance with generally accepted engineering practices to assure, as far as is
6 reasonably possible, continuity of service and uniformity in the quality of service furnished.

7 (2) Each utility shall, at a minimum, comply with the National Electrical Safety Code
8 (ANSI C-2) [NESC].

9 (a) For facilities constructed on or after February 1, 2007, the 2007 NESC shall apply.

10 A copy of the 2007 NESC, ISBN number 0781-4893-8, may be obtained from the Institute of
11 Electric and Electronic Engineers, Inc. (IEEE).

12 (b) Facilities constructed prior to February 1, 2007, shall be governed by the edition of
13 the NESC in effect at the time of the initial construction.]Consider Cable's comments in
14 Michael Gross' 10/30 email.]

15 (2) ~~The Commission has reviewed the American National Standard Code for~~
16 ~~Electricity Metering, 6th edition, ANSI C-12, 1975, and the American National Standard~~
17 ~~Requirements, Terminology and Test Code for Instrument Transformers, ANSI 57.13, and has~~
18 ~~found them to contain reasonable standards of good practice. A utility that is in compliance~~
19 ~~with the applicable provisions of these publications, and any variations approved by the~~
20 ~~Commission, shall be deemed by the Commission to have facilities constructed and installed~~
21 ~~in accordance with generally accepted engineering practices.~~

22 Specific Authority 350.127(2), 366.05(1) FS.

23 Law Implemented 366.04(2)(c),(f),(5), 366.05(1) FS

24 History-Amended 7-29-69, 12-20-82, Formerly 25-6.34, Amended _____.

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1
2 25-6.0341 Location of the Utility's Electric Distribution Facilities.

3 In order to facilitate safe and efficient access for installation and maintenance, to the
4 extent feasible and cost-effective, electric distribution facilities shall be placed adjacent to a
5 public road, normally in front of the customer's premises.

6 (1) For initial installation, expansion, rebuild, or relocation of overhead facilities,
7 utilities shall use easements, public streets, roads and highways along which the utility has the
8 legal right to occupy, and public lands and private property across which rights-of-way and
9 easements have been provided by the applicant for service.

10 (2) For initial installation, expansion, rebuild, or relocation of underground facilities,
11 the utility shall require the applicant for service to provide easements along the front edge of
12 the property, unless the utility determines there is an operational, economic, or reliability
13 benefit to use another location.

14 (3) For conversions of existing overhead facilities to underground facilities, the utility
15 shall, if the applicant for service is a local government that provides all necessary permits and
16 meets the utility's legal, financial, and operational requirements, place facilities in road rights-
17 of-way in lieu of requiring easements. Facility charges for conversion of existing overhead
18 facilities to underground facilities requested by an applicant shall be governed by pertinent
19 tariffs and Rule 25-6.115, F.A.C.

20 (4) As soon as practicable after an electric utility becomes aware that it will undertake
21 a planned expansion, rebuild or relocation that affects existing third-party attachments or joint
22 users and that will result in moving electric distribution facilities to the front edge of the
23 property, the utility shall provide notice of its construction plans to any of the affected third-
24 party attachers and/or joint users. Where the expansion, rebuild, or relocation of electric
25 distribution facilities affects existing third-party attachments or the facilities of existing joint

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1 ~~users, the electric utility shall seek input from and attempt in good faith to accommodate~~
2 ~~concerns raised by third-party attachers and/or joint users, including input and concerns~~
3 ~~related to the cost impacts of the proposed construction on attaching entities. The electric~~
4 ~~utility shall also, to the extent practical, coordinate the construction of its facilities with the~~
5 ~~affected third-party attachers or joint users. [Consider Gross' comments – should we take out~~
6 ~~the language in the first sentence of this subsection that references moves to the front of the~~
7 ~~property? Cable suggests they should seek our input in all cases, not just rear to front moves.]~~

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8 (5) Any dispute or challenge related to the implementation of this rule by a customer,
9 applicant for service, or attaching entity shall be resolved by the Commission. A third-party
10 attacher or joint user may challenge a proposed expansion, rebuild or relocation that will result
11 in moving electric distribution facilities to the front edge of the property [note: should we take
12 out reference to front of property?] when i) the utility fails to provide the notice set forth in
13 this subsection; ii) the utility fails to coordinate with the attacher or joint user on the
14 construction of its facilities as set forth in this subsection; iii) the utility's construction plans
15 impose unreasonable costs on the attacher or joint user in comparison to an identified, viable
16 alternative project plan that meets the requirements of the Commission's rules and any
17 affected local governments and/or regulatory agencies; or iv) the utility's construction plans
18 could require the joint use or attacher to violate a state or local government's rights-of-way
19 rules or regulations or a private easement agreement. Any complaint brought before the
20 Commission pursuant to this subsection will be granted or denied through final agency action
21 within 120 days.

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22 Specific Authority 350.127(2), 366.05(1) FS.
23 Law Implemented 366.04(2)(c),(5),(6), 366.05(1) FS
24 History-New _____.
25 25-06.0342 Electric Infrastructure Storm Hardening

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1 (1) Application and Scope. This rule is intended to ensure the provision of safe,
2 adequate, and reliable electric transmission and distribution service for operational as well as
3 emergency purposes; require the cost-effective strengthening of critical electric infrastructure
4 to increase the ability of transmission and distribution facilities to withstand extreme weather
5 conditions; and reduce restoration costs and outage times to end-use customers associated
6 with extreme weather conditions. This rule applies to all investor-owned electric utilities.

7 (2) Storm Hardening Plans. Each investor-owned utility shall, ~~no later than 90 days~~
8 after the effective date of this rule, file with the Commission for its approval a detailed storm
9 hardening plan. Any plan filed shall be updated every three years, unless the Commission, on
10 its own motion or on petition by a substantially affected person or a utility, initiates a
11 proceeding to review and, if appropriate, modify the plans. When filing its plan, or updated or
12 modified plan, the electric utility shall serve all of the parties to this docket and all affected
13 attaching entities with a copy at the same time it files the document with the Commission.
14 ~~[Discuss how attaching entities receive notice if modification is prompted by Commission or~~
15 ~~other person/utility.] In a proceeding to approve a utility's plan, the Commission shall~~
16 consider whether the utility's plan meets the desired objectives of enhancing reliability and
17 reducing restoration costs and outage times in a prudent, practical, and cost-effective manner
18 to the affected parties.

19 (3) Contents of Plan: Each utility storm hardening plan shall contain a detailed
20 description of the construction standards, policies, practices, and procedures employed to
21 enhance the reliability of overhead and underground electrical transmission and distribution
22 facilities in conformance with the provisions of this rule. Each filing shall, at a minimum,
23 address the extent to which the utility's storm hardening plan:

24 (a) Complies, at a minimum, with the National Electric Safety Code (ANSI C-2)
25 [NESC] that is applicable pursuant to Rule 25-6.034(2), F.A.C.

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1 **(b) Adopts the extreme wind loading standards specified by Figure 250-2(d) of the**
2 **2007 edition of the NESC for the following distribution facilities:**
3 **1. new construction;**
4 **2. major planned work, including expansion, rebuild, or relocation of existing**
5 **facilities, assigned on or after the effective date of this rule; and**
6 **3. critical infrastructure facilities and major thoroughfares taking into account political**
7 **and geographical boundaries and other applicable operational considerations.**

8 **(c) Is designed to mitigate damage to underground and supporting overhead**
9 **transmission and distribution facilities due to flooding and storm surges.**

10 **(d) Provides for the placement of new and replacement distribution facilities so as to**
11 **facilitate safe and efficient access for installation and maintenance pursuant to Rule 25-**
12 **6.0341, F.A.C.**

13 **(4) Deployment Strategy: Each utility storm hardening plan shall explain the**
14 **systematic approach the utility will follow to achieve the desired objectives of enhancing**
15 **reliability and reducing restoration costs and outage times associated with extreme weather**
16 **events. The utility's storm hardening plan shall provide a detailed description of its**
17 **deployment strategy including, but not limited to the following:**

18 **(a) A description of the facilities affected; including technical design specifications,**
19 **construction standards, and construction methodologies employed.**

20 **(b) The communities and areas within the utility's service area where the electric**
21 **infrastructure improvements, including facilities identified by the utility as critical**
22 **infrastructure and major thoroughfares pursuant to subparagraph (3)(b)3, are to be made.**

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23 **(c) The extent to which the electric infrastructure improvements involve joint-use**
24 **facilities on which third party attachments exist.**

25 **(d) An estimate of the costs and benefits to the utility of making the electric**

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1 infrastructure improvements, including the effect on reducing storm restoration costs and
2 customers outages.

3 (e) An estimate of the costs and benefits, obtained pursuant to subsection (5) below, to
4 third-party attachers affected by the electric infrastructure improvements, including the effect
5 on reducing storm restoration costs and customers outages realized by the third-party
6 attachers.

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7 (5) [Moved this paragraph up from (6).] Input from Third-Party Attachers: In
8 establishing its storm hardening plan, or when updating or modifying such plan, each utility
9 shall, at least 60 days prior to filing the document with the Commission, seek input from and
10 attempt in good faith to accommodate concerns raised by third-party attachers and/or joint
11 users.

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12 (6) [Need to flesh this section out more. Are these filed as part of the hardening plan?
13 Gross' comments indicate that Staff intends them to be part of the plan. Do they need to be
14 filed – if so, do they need to be filed only as they related to storm hardening/exceeding NESC?
15 Do the IOUs have to seek input for every new standard, or only those that exceed NESC?]

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16 Attachments Standards and Procedures: Each utility shall maintain written safety, reliability,
17 pole loading capacity, and engineering standards and procedures for attachments by others to
18 the utility's electric transmission and distribution poles (Attachment Standards and
19 Procedures). In developing the Attachment Standards and Procedures, the electric utility seek

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20 input from and attempt in good faith to accommodate concerns raised by third-party attachers
21 and/or joint users, including input and concerns relating to the cost impacts of the proposed
22 Attachment Standards and Procedures on the attaching entities. The Attachment Standards and
23 Procedures shall meet or may exceed the edition of the National Electrical Safety Code (ANSI

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24 C-2) that is applicable pursuant to Rule 25-6.034(2), F.A.C., and other applicable standards
25 imposed by state and federal law based on the utility's specific circumstances, including, but

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1 not limited to the utility's geography, so as to assure, as far as is reasonably possible [Gross
2 suggests reasonably practicable], that third-party facilities attached to electric transmission and
3 distribution poles do not impair electric safety, adequacy, or pole reliability; do not exceed
4 pole loading capacity; and are constructed, installed, maintained, and operated in accordance
5 with generally accepted engineering practices for the utility's service territory. Before any
6 attachment standard or procedure is implemented subsequent to the effective date of this Rule,
7 notice and a copy of the attachment standard or procedure must be given to any affected
8 attachers and joint users.

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11
12 (7) ~~Dispute Resolution: Any customer, applicant for service, or attaching entity may~~
13 ~~dispute or challenge, a utility's storm hardening plan, construction standards, deployment~~
14 ~~strategy, attachment standards and procedures, or any projects implementing any of the above.~~
15 ~~In resolving any such dispute or challenge, the cost impact of the matter at issue on the~~
16 ~~customer, applicant for service, or attaching entity bringing the dispute or challenge shall be~~
17 ~~considered. If a dispute or challenge is filed with the Commission, the disputed or challenged~~
18 ~~plan, standard or procedure shall not become effective until the dispute or challenge is~~
19 ~~resolved by the Commission. The Commission shall resolve any dispute or challenge within~~
20 ~~120 days.~~

Deleted: Nothing in this Rule is intended to conflict with Title 47, United States Code, Section 224, relating to Federal Communications Commission jurisdiction over the rates, terms, and conditions of pole attachments.

Deleted: (6) Input from Third-Party Attachers: In establishing its storm hardening plan, each utility shall seek and evaluate for incorporation input from other entities with existing agreements to share the use of its electric facilities.

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21 (8) If an electric utility chooses not to file a storm hardening plan pursuant to
22 subsection (2) of this Rule, the electric utility shall file annually with Commission three
23 reports addressing the subject matter outlined in Rule 25-6.0343 (3), (4) and (5) as applicable
24 to the electric utility. The reports shall be filed by March 1 of each year for the preceding
25 calendar year. [In the interest of time, I just referred to the muni rule. We can incorporate the

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1 actual requirements in a later redline.]

2 (9) Nothing in this Rule is intended to conflict with Title 47, United States Code,
3 Section 224, relating to Federal Communications Commission jurisdiction over the rates,
4 terms, and conditions of pole attachments. Further, for the sole purpose of interpreting or
5 enforcing any private contract or agreement between electric utilities and attaching entities,
6 nothing in these Rules is intended to be construed as a requirement to harden.
7 [CATV noted that it will propose a revision to this provision that covers access rights as well
8 as rates, terms and conditions.]

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9 Specific Authority 350.127(2), 366.05(1) FS.

10 Law Implemented 366.04(2)(c),(5),(6), 366.05(1) FS

11 History-New

12 25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

13 (1) ~~In compliance with Section 366.04(6)(b), F.S., 1991, the~~ The Commission adopts
14 and incorporates by reference the ~~2002 edition of the~~ National Electrical Safety Code (ANSI
15 C-2) [NESC], ~~published August 1, 2001,~~ as the applicable safety standards for transmission
16 and distribution facilities subject to the Commission's safety jurisdiction. For facilities
17 constructed on or after February 1, 2007, the 2007 NESC shall apply. Facilities constructed
18 prior to February 1, 2007, shall be governed by the edition of the NESC in effect at the time of
19 the facility's initial construction. [See Gross' comments on rewording of reference to NESC.]

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20 Each investor-owned ~~public~~ electric utility, rural electric cooperative, and municipal electric
21 system shall, at a minimum, comply with the standards in these provisions. ~~Standards~~
22 ~~contained in the 2002 edition shall be applicable to new construction for which a work order~~
23 ~~number is assigned on or after the effective date of this rule. A copy of the 2007 NESC, ISBN~~
24 ~~number 0781-4893-8, may be obtained from the Institute of Electric and Electronic Engineers,~~
25 Inc. (IEEE).

(2) Each investor-owned ~~public~~ electric utility, rural electric cooperative and

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 municipal electric utility shall report all completed electric work orders, whether completed by
2 the utility or one of its contractors, at the end of each quarter of the year. The report shall be
3 filed with the Director of the Commission's Division of Regulatory Compliance and
4 Consumer Assistance ~~Auditing and Safety~~ no later than the 30th working day after the last day
5 of the reporting quarter, and shall contain, at a minimum, the following information for each
6 work order:

- 7 (a) Work order number/project/job;
- 8 (b) Brief title outlining the general nature of the work; ~~and~~
- 9 (c) Estimated cost in dollars, rounded to nearest thousand and;
- 10 (d) Location of project.
- 11 (3) The quarterly report shall be filed in standard DBase or compatible format, DOS

12 ASCII text, or hard copy, as follows:

13 (a) DBase Format

14	Field Name	Field Type	Digits
15	1. Work orders	Character	20
16	2. Brief title	Character	30
17	3. Cost	Numeric	8
18	4. Location	Character	50
19	5. Kv	Numeric	5
20	6. Contiguous Character	Character	1

21 (b) DOS ASCII Text.

22 1. - 5.

23 (c) No change.

24 The following format is preferred, but not required:

25 Completed Electrical Work Orders For PSC Inspection

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

Work Order	Brief Title	Estimated Cost	Location	KV Rating	Contiguous (y/n)

(4) No change.

(5) As soon as practicable, but by the end of the next business day after it learns of the occurrence, each investor-owned electric ~~public~~ utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report to the Commission any accident occurring in connection with any part of its transmission or distribution facilities which:

(a) – (b) No change.

(6) Each investor-owned electric ~~public~~ utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report each accident or malfunction, occurring in connection with any part of its transmission or distribution facilities, to the Commission within 30 days after it learns of the occurrence, provided the accident or malfunction:

(a) – (7) No change.

Specific Authority 350.127(2) FS.

Law Implemented 366.04(2)(f),(6) FS

History-Amended 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02,_____.

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PART IV

GENERAL SERVICE PROVISIONS

25-6.064 Extension of Facilities; Contribution in Aid of Construction for

Installation of New or Upgraded Facilities.

(1) Application and scope. The purpose of this rule is to establish a uniform procedure by which investor-owned electric utilities will calculate amounts due as contributions-in-aid-of construction (CIAC) from customers who request new facilities or upgraded facilities require extensions of distribution facilities in order to receive electric service, except as provided in Rule 25-6.078, F.A.C.

(2) Contributions-in-aid-of-construction for new or upgraded overhead facilities (CIAC_{OH}) shall be calculated as follows:

<u>CIAC_{OH}</u>	<u>=</u>	<u>Total estimated</u>	<u>:</u>	<u>Four years</u>	<u>:</u>	<u>Four years expected</u>
		<u>work order job</u>		<u>expected</u>		<u>incremental base</u>
		<u>cost of installing</u>		<u>incremental base</u>		<u>demand revenue, if</u>
		<u>the facilities</u>		<u>energy revenue</u>		<u>applicable</u>

(a) The cost of the service drop and meter shall be excluded from the total estimated work order job cost for new overhead facilities.

(b) The net book value and cost of removal, net of the salvage value, for existing facilities shall be included in the total estimated work order job cost for upgrades to those existing facilities.

(c) The expected annual base energy and demand charge revenues shall be estimated for a period ending not more than 5 years after the new or upgraded facilities are placed in service.

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

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GENERAL MANAGEMENT REQUIREMENTS
 25-6.034 Standard of Construction.¶
 (1) The facilities of the utility shall be constructed, installed, maintained and operated in accordance with generally accepted engineering practices to assure, as far as is reasonably possible, continuity of service and uniformity in the quality of service furnished.¶
 (2) The Commission has reviewed the American National Standard Code for Electricity Metering, 6th edition, ANSI C-12, 1975, and the American National Standard Requirements, Terminology and Test Code for Instrument Transformers, ANSI-57.13, and has found them to contain reasonable standards of good practice. A utility that is in compliance with the applicable provisions of these publications, and any variations approved by the Commission, shall be deemed by the Commission to have facilities constructed and installed in accordance with generally accepted engineering practices.¶
 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.¶
 (2) Each public electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders, whether completed by the utility or one of its contractors, at the end of each quarter of the year. The report shall be filed with the Director of the Commission's Division of Auditing and Safety no later than the 30th w... [1]

Deleted: Purpose
Deleted: subject to this rule
Deleted: contributions
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Deleted: Applicability.
Deleted: This rule applies to all investor owned electric utilities in Florida as defined in Section 366.02, F.S.

(d) In no instance shall the $CIAC_{OH}$ be less than zero.

(3) Contributions-in-aid-of-construction for new or upgraded underground facilities

($CIAC_{UG}$) shall be calculated as follows:

$CIAC_{UG}$	=	$CIAC_{OH}$	±	Estimated difference between cost of providing the service underground and overhead
-------------	---	-------------	---	---

(4) Each utility shall apply the formula in subsections (2) and (3) of this rule

uniformly to residential, commercial and industrial customers requesting new or upgraded facilities at any voltage level.

(5) The costs applied to the formula in subsections (2) and (3) shall be based on the requirements of Rule 25-6.034, Standards of Construction. The cost of net plant in service of such new facilities or upgraded facilities shall be reduced by the amount of any $CIAC$.

(6) All $CIAC$ calculations under this rule shall be based on estimated work order job costs. In addition, each utility shall use its best judgment in estimating the total amount of annual revenues which each the new or upgraded facilities are each line extension is expected to produce.

(a) A customer may request a review of any $CIAC$ charge within 12 months following the in-service date of the new or upgraded facilities. Upon request, the utility shall true-up the $CIAC$ to reflect the actual costs of construction and actual base revenues received at the time the request is made.

(b) In cases where more customers than the initial applicant are expected to be served by the new or upgraded facilities, the utility shall prorate the total $CIAC$ over the number of end-use customers expected to be served by the new or upgraded facilities within a period not

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

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Deleted: (3) Definitions. Actual or estimated job cost means the actual cost of providing the specified line extension facilities, calculated after the extension is completed, or the estimated cost of providing the specified facilities before the extension is completed.¶

(4) In developing the policy for extending overhead distribution facilities to customers, the following formulas shall be used to determine the contribution in aid of construction owed by the customer.

Deleted: (a) For customers in rate classes that pay only energy charges, i.e., those that do not pay demand charges, the $CIAC$ shall be calculated as follows:¶

$CIAC_{oh} =$ (Actual or estimated job cost - (4 × nonfuel energy)¶ for new poles and conductors charge per KWH)¶ and appropriate fixtures × expected annual KWH)¶ required to provide service, sales over the new line)¶ excluding transformers,¶ service drops, and meters)¶

(b) For customers in rate classes that pay both energy charges and demand charges, the $CIAC$ shall be calculated as follows:¶

$CIAC_{oh} =$ (Actual or estimated - (4 × nonfuel energy - (4 × expected annual job cost for new charge per KWH × demand charge)¶ poles and conductors expected annual KWH revenues from sales)¶ and appropriate sales over the new line)¶ over the new line)¶ fixtures required to ¶ provide service,¶ excluding transformers,¶ service drops, and meters)¶

(c) Expected demand charge revenues and energy sales shall be based on an annual period ending not more than five years after the extension is placed in service.¶

(5) In developing the policy for ... [2]

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Deleted: (9) Each utility shall calculate an appropriate $CIAC$ for line extensions constructed to serve customers who receive service at the primary dist ... [3]

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1 to exceed 3 years, commencing with the in-service date of the new or upgraded facilities. The
2 utility may require a payment equal to the full amount of the CIAC from the initial customer.
3 For the 3-year period following the in-service date, the utility shall collect from those
4 customers a prorated share of the original CIAC amount, and credit that to the initial customer
5 who paid the CIAC. The utility shall file a tariff outlining its policy for the proration of
6 CIAC.

7 ~~(7) The utility may elect to waive all or any portion of the CIAC for customers, even~~
8 ~~when a CIAC is found to be applicable. If, however, the utility waives a CIAC, the utility~~
9 ~~shall reduce net plant in service as though the CIAC had been collected, unless the~~
10 ~~Commission determines that there is a quantifiable benefit to the general body of ratepayers~~
11 ~~commensurate with the waived CIAC. Each utility shall maintain records of amounts waived~~
12 ~~and any subsequent changes that served to offset the CIAC.~~

13
14 ~~(8) A detailed statement of its standard facilities extension and upgrade policies shall~~
15 ~~be filed by each utility as part of its tariffs. The tariffs shall have uniform application and~~
16 ~~shall be nondiscriminatory.~~

17 ~~(9) If a utility and applicant are unable to agree on the CIAC amount, either party may~~
18 ~~appeal to the Commission for a review.~~

19 Specific Authority 366.05(1), 350.127(2) FS.

20 Law Implemented 366.03, 366.05(1), 366.06(1) FS.

21 History--New 7-29-69, Amended 7-2-85, Formerly 25-6.64, Amended

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Deleted: Commission will reduce the utility's net plant in service by an equal amount for ratemaking purposes, as though the CIAC had been collected, except when the company's annual revenues from a customer are sufficient to offset the unpaid line extension CIAC under subsection (4) or (5).
Deleted: (12) In cases where larger developments are expected to be served by line extensions, the utility may elect to prorate the total line extension costs and CIAC's owed over the number of customers expected to connect to the new line.
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RULES FOR RESIDENTIAL ELECTRIC UNDERGROUND EXTENSIONS¶
25-6.078 Schedule of Charges.¶
(1) Each utility shall file with the Commission a written policy that shall become a part of the utility's tariff rules and regulations. Such policy shall be subject to review and approval of the Commission and shall include an Estimated Average Cost Differential, if any, and shall state the basis upon which the utility will provide underground service and its method for recovering the difference in cost of an underground system and an equivalent overhead system from the applicant at the time service is extended. The charges to the applicant shall not be more than the estimated difference in cost of an underground system and an equivalent overhead system.¶
(2) On or before October 15th of each year each utility shall file with the Commission's Division of Economic Regulation Form PSC/ECR 13-E, Schedule 1, using current material and labor costs. If the cost differential as calculated in Schedule 1 varies from the Commission-approved differential by plus or minus 10 percent or more, the utility shall file a written policy and supporting data and analyses as prescribed in subsections (1), (3) and (4) of this rule on or before April 1 of ... [4]

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Larry Harris

From: Natalie_Smith@fpl.com
Sent: Friday, October 27, 2006 12:12 PM
To: Larry Harris
Cc: Chris Moore
Subject: Re: Meeting on Storm Hardening Rules

Attachments: 10-20RevisedInfrastructureRule.Idh.redline post meeting.pdf



10-20Revised
InfrastructureRule

Larry,

Per my voice mail, this is a version of the rules that has the language we're suggesting (see additions in .0342(2) and (4) below) as well as the language that I understand we agreed to yesterday at the meeting. I spoke with Chris Moore about our suggestions this morning. Please call me when you can to discuss.

Thanks,

Natalie

Our suggestions --

p. 3, line 10 and p. 4, line 14

(2) Storm Hardening Plans. Each investor-owned utility shall, no later than 90 days after the effective date of this rule, file with the Commission for its approval a detailed storm hardening plan. Each utility's plan shall be updated at least every three years, unless the Commission, on its own motion or on petition by a substantially affected person or a utility, initiates a proceeding to review and, if appropriate, modify the plans.

(4) Deployment Strategy: Each utility storm hardening plan shall explain the systematic approach the utility will follow to achieve the desired objectives of enhancing reliability and reducing restoration

costs and outage times associated with extreme weather events. The utility's storm hardening plan shall provide a detailed description of its deployment strategy for the first year following approval of the plan, recognizing that greater detail addressing later years may be supplied in subsequent updates pursuant to subsection (2) of this rule. Such deployment strategy shall include, but not limited to, the following:

(See attached file: 10-20RevisedInfrastructureRule.ldh.redline post meeting.pdf)

1 PART III

2 GENERAL MANAGEMENT REQUIREMENTS

3 25-6.034 Standard of Construction.

4 (1) The facilities of each utility shall be constructed, installed, maintained and
5 operated in accordance with generally accepted engineering practices to assure, as far as is
6 reasonably possible, continuity of service and uniformity in the quality of service furnished.

7 (2) Each utility shall, at a minimum, comply with the National Electrical Safety Code
8 (ANSI C-2) [NESC].

9 (a) For electrical facilities constructed on or after February 1, 2007, the 2007 NESC
10 shall apply. A copy of the 2007 NESC, ISBN number 0781-4893-8, may be obtained from the
11 Institute of Electric and Electronic Engineers, Inc. (IEEE).

12 (b) Electrical facilities constructed prior to February 1, 2007, shall be governed by the
13 edition of the NESC in effect at the time of the initial construction.

14 ~~(2) The Commission has reviewed the American National Standard Code for~~
15 ~~Electricity Metering, 6th edition, ANSI C 12, 1975, and the American National Standard~~
16 ~~Requirements, Terminology and Test Code for Instrument Transformers, ANSI 57.13, and has~~
17 ~~found them to contain reasonable standards of good practice. A utility that is in compliance~~
18 ~~with the applicable provisions of these publications, and any variations approved by the~~
19 ~~Commission, shall be deemed by the Commission to have facilities constructed and installed~~
20 ~~in accordance with generally accepted engineering practices.~~

21 Specific Authority 350.127(2), 366.05(1) FS.

22 Law Implemented 366.04(2)(c),(f),(5), 366.05(1) FS

23 History-Amended 7-29-69, 12-20-82, Formerly 25-6.34, Amended _____.

24

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1 25-6.0341 Location of the Utility's Electric Distribution Facilities.

2 In order to facilitate safe and efficient access for installation and maintenance, to the
3 extent feasible and cost-effective, electric distribution facilities shall be placed adjacent to a
4 public road, normally in front of the customer's premises.

5 (1) For initial installation, expansion, rebuild, or relocation of overhead facilities,
6 utilities shall use easements, public streets, roads and highways along which the utility has the
7 legal right to occupy, and public lands and private property across which rights-of-way and
8 easements have been provided by the applicant for service.

9 (2) For initial installation, expansion, rebuild, or relocation of underground facilities,
10 the utility shall require the applicant for service to provide easements along the front edge of
11 the property, unless the utility determines there is an operational, economic, or reliability
12 benefit to use another location.

13 (3) For conversions of existing overhead facilities to underground facilities, the utility
14 shall, if the applicant for service is a local government that provides all necessary permits and
15 meets the utility's legal, financial, and operational requirements, place facilities in road rights-
16 of-way in lieu of requiring easements.

17 (4) Where an expansion, rebuild, or relocation of electric distribution facilities affects
18 existing third-party attachments or the facilities of existing joint users and will result in the
19 relocation of such facilities to the front of the customer's premises, the electric utility shall
20 seek and evaluate for incorporation input from and shall, to the extent practical, coordinate the
21 construction of its facilities with the affected third-party attachers or joint users.

22 (5) Any dispute or challenge related to the implementation of this rule by a customer,
23 applicant for service, or attaching entity shall be resolved by the Commission.

24 Specific Authority 350.127(2), 366.05(1) FS.

25 Law Implemented 366.04(2)(c),(5),(6), 366.05(1) FS

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1 History-New.

2 25-06.0342 Electric Infrastructure Storm Hardening

3 (1) Application and Scope. This rule is intended to ensure the provision of safe,
4 adequate, and reliable electric transmission and distribution service for operational as well as
5 emergency purposes; require the cost-effective strengthening of critical electric infrastructure
6 to increase the ability of transmission and distribution facilities to withstand extreme weather
7 conditions; and reduce restoration costs and outage times to end-use customers associated
8 with extreme weather conditions. This rule applies to all investor-owned electric utilities.

9 (2) Storm Hardening Plans. Each investor-owned utility shall, no later than 90 days
10 after the effective date of this rule, file with the Commission for its approval a detailed storm
11 hardening plan. Each utility's plan shall be updated at least every three years, unless the
12 Commission, on its own motion or on petition by a substantially affected person or a utility,
13 initiates a proceeding to review and, if appropriate, modify the plans. In a proceeding to
14 approve a utility's plan, the Commission shall consider whether the utility's plan meets the
15 desired objectives of enhancing reliability and reducing restoration costs and outage times in a
16 prudent, practical, and cost-effective manner to the affected parties.

17 (3) Contents of Plan: Each utility storm hardening plan shall contain a detailed
18 description of the construction standards, policies, practices, and procedures employed to
19 enhance the reliability of overhead and underground electrical transmission and distribution
20 facilities in conformance with the provisions of this rule. Each filing shall, at a minimum,
21 address the extent to which the utility's storm hardening plan:

22 (a) Complies, at a minimum, with the National Electric Safety Code (ANSI C-2)
23 [NESC].

24 (b) Adopts the extreme wind loading standards specified by Figure 250-2(d) of the
25 2007 edition of the NESC for the following distribution facilities:

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- 1 1. new construction;
2 2. major planned work, including expansion, rebuild, or relocation of existing
3 facilities, assigned on or after the effective date of this rule; and
4 3. critical infrastructure facilities and major thoroughfares taking into account political
5 and geographical boundaries and other applicable operational considerations.

6 (c) Is intended to mitigate damage to underground and supporting overhead
7 transmission and distribution facilities due to flooding and storm surges.

8 (d) Provides for the placement of new and replacement distribution facilities so as to
9 facilitate safe and efficient access for installation and maintenance pursuant to Rule 25-
10 6.0341, F.A.C.

11 (4) Deployment Strategy: Each utility storm hardening plan shall explain the
12 systematic approach the utility will follow to achieve the desired objectives of enhancing
13 reliability and reducing restoration costs and outage times associated with extreme weather
14 events. The utility's storm hardening plan shall provide a detailed description of its
15 deployment strategy for the first year following approval of the plan, recognizing that greater
16 detail addressing later years may be supplied in subsequent updates pursuant to subsection (2)
17 of this rule. Such deployment strategy shall include, but not limited to, the following:

18 (a) A description of the facilities affected; including technical design specifications,
19 construction standards, and construction methodologies employed.

20 (b) The communities and areas within the utility's service area where the electric
21 infrastructure improvements, including facilities identified by the utility as critical
22 infrastructure and major thoroughfares pursuant to subparagraph (3)(b)3., are to be made.

23 (c) The extent to which the electric infrastructure improvements involve joint-use
24 facilities on which third party attachments exist.

25 (d) An estimate of the costs and benefits to the utility of making the electric

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1 infrastructure improvements, including the effect on reducing storm restoration costs and
2 customers outages.

3 (e) An estimate of the costs and benefits, obtained pursuant to subsection (6) below,
4 to third-party attachers affected by the electric infrastructure improvements, including the
5 effect on reducing storm restoration costs and customers outages realized by the third-party
6 attachers.

7 (5) Attachments Standards and Procedures: Each utility shall maintain written safety,
8 reliability, pole loading capacity, and engineering standards and procedures for attachments by
9 others to the utility's electric transmission and distribution poles (Attachment Standards and
10 Procedures). The Attachment Standards and Procedures shall meet or exceed the edition of
11 the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to Rule 25-
12 6.034(2), F.A.C., and other applicable standards imposed by state and federal law so as to
13 assure, as far as is reasonably possible, that third-party facilities attached to electric
14 transmission and distribution poles do not impair electric safety, adequacy, or pole reliability;
15 do not exceed pole loading capacity; and are constructed, installed, maintained, and operated
16 in accordance with generally accepted engineering practices for the utility's service territory.
17 Nothing in this Rule is intended to conflict with Title 47, United States Code, Section 224,
18 relating to Federal Communications Commission jurisdiction over the rates, terms, and
19 conditions of pole attachments.

20 (6) Input from Third-Party Attachers: In establishing its storm hardening plan, each
21 utility shall seek and evaluate for incorporation input from other entities with existing
22 agreements to share the use of its electric facilities.

23 (7) Dispute Resolution: Any dispute or challenge related to a utility's storm hardening
24 plan, construction standards, Attachment Standards and Procedures or implementation strategy
25 by a customer, applicant for service, or attaching entity shall be resolved by the Commission.

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1 Specific Authority 350.127(2), 366.05(1) FS.

2 Law Implemented 366.04(2)(c),(5),(6), 366.05(1) FS

3 History-New _____.

4

5 25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

6 (1) ~~In compliance with Section 366.04(6)(b), F.S., 1991, the~~ The Commission adopts
7 and incorporates by reference the ~~2002 edition of the~~ National Electrical Safety Code (ANSI
8 C-2) [NESC], published August 1, 2001, as the applicable safety standards for transmission
9 and distribution facilities subject to the Commission's safety jurisdiction. For electrical
10 facilities constructed on or after February 1, 2007, the 2007 NESC shall apply. Electrical
11 facilities constructed prior to February 1, 2007 shall be governed by the edition of the NESC
12 in effect at the time of the facility's initial construction. Each investor-owned public electric
13 utility, rural electric cooperative, and municipal electric system shall, at a minimum, comply
14 with the standards in these provisions. Standards contained in the 2002 edition shall be
15 applicable to new construction for which a work order number is assigned on or after the
16 effective date of this rule. A copy of the 2007 NESC, ISBN number 0781-4893-8, may be
17 obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE).

18 (2) Each investor-owned public electric utility, rural electric cooperative and
19 municipal electric utility shall report all completed electric work orders, whether completed by
20 the utility or one of its contractors, at the end of each quarter of the year. The report shall be
21 filed with the Director of the Commission's Division of Regulatory Compliance and
22 Consumer Assistance ~~Auditing and Safety~~ no later than the 30th working day after the last day
23 of the reporting quarter, and shall contain, at a minimum, the following information for each
24 work order:

25 (a) Work order number/project/job;

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions
from existing law.

- 1 (b) Brief title outlining the general nature of the work; ~~and~~
- 2 (c) Estimated cost in dollars, rounded to nearest thousand and;-
- 3 (d) Location of project.

4 (3) The quarterly report shall be filed in standard DBase or compatible format, DOS
 5 ASCII text, or hard copy, as follows:

6 (a) DBase Format

7 Field Name	Field Type	Digits
8 1. Work orders	Character	20
9 2. Brief title	Character	30
10 3. Cost	Numeric	8
11 4. Location	Character	50
12 5. Kv	Numeric	5
13 6. Contiguous Character	Character	1

14 (b) DOS ASCII Text.

15 1. - 5.

16 (c) No change.

17 The following format is preferred, but not required:

18 Completed Electrical Work Orders For PSC Inspection

19 Work Order	Brief Title	Estimated Cost	Location	KV Rating	Contiguous (y/n)
20					
21					

22 (4) No change.

23 (5) As soon as practicable, but by the end of the next business day after it learns of the
 24 occurrence, each investor-owned electric public utility, rural electric cooperative, and
 25

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 municipal electric utility shall (without admitting liability) report to the Commission any
2 accident occurring in connection with any part of its transmission or distribution facilities
3 which:

4 (a) – (b) No change.

5 (6) Each investor-owned electric ~~public~~ utility, rural electric cooperative, and
6 municipal electric utility shall (without admitting liability) report each accident or
7 malfunction, occurring in connection with any part of its transmission or distribution facilities,
8 to the Commission within 30 days after it learns of the occurrence, provided the accident or
9 malfunction:

10 (a) – (7) No change.

11 Specific Authority 350.127(2) FS.

12 Law Implemented 366.04(2)(f),(6) FS

13 History-Amended 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02,_____.

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Larry Harris

From: Masterton, Susan S [LTD] [Susan.Masterton@embarq.com]
Sent: Tuesday, October 31, 2006 5:23 PM
To: Larry Harris
Cc: Rehwinkel, Charles J [LTD]; jerry.hendrix@bellsouth.com; dorian.denburg@bellsouth.com; Nancy Sims; james.meza@bellsouth.com; stan.greer@bellsouth.com; jennifer.kay@bellsouth.com; David Christian; de.oroark@verizon.com; Chris McDonald; Michael Gross; gene@penningtonlaw.com; swright@yvlaw.com
Subject: Rule Revisions

Larry, below are suggested revisions to address the concerns discussed this morning with the "shall/may" issue regarding electric utility submission of storm hardening plans. (In the interests of getting this to you quickly, I have only included the subsections that are revised using the draft Dorian provided this morning as a base.) In addition, the changes address the concern expressed that it be clear that attaching entities have standing. Our changes are noted in blue and in all caps.

All of those who attended the meeting this morning (and who are copied on this e-mail) have agreed to the submission of these revisions.

We look forward to hearing from you regarding our suggested changes.

Rule 25-06.0342 Electric Hardening Standards

2) Storm Hardening Plans. Each investor-owned utility [DELETEDmayDELETE] SHALL, no later than 90 days after the effective date of this rule, file with the Commission for its approval a detailed storm hardening plan. COMMISSION APPROVAL OF ANY ELECTRIC UTILITY'S PLAN SHALL NOT BE CONSTRUED AS A REQUIREMENT TO HARDEN. Any plan filed shall be updated every three years, unless the Commission, on its own motion or on petition by a substantially affected person, ANY THIRD PARTY ATTACHER, ANY ENTITY WHICH SHARES THE USE OF THE ELECTRIC FACILITIES, or a utility, initiates a proceeding to review and, if appropriate, modify the plans. When filing its plan, or updated or modified plan, the electric utility shall serve all of the parties to this docket and all affected attaching entities with a copy at the same time it files the document with the Commission. [Discuss how attaching entities receive notice if modification is prompted by Commission or other person/utility.] In a proceeding to approve a utility's plan, the Commission shall consider whether the utility's plan meets the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner to the affected parties, BASED ON EACH UTILITY'S SPECIFIC CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE UTILITY'S GEOGRAPHY AND ACTUAL STORM DAMAGE AND RESTORATION EXPERIENCE.

(3) Contents of Plan: each utility storm hardening plan shall contain a detailed description of the construction standards, policies, practices, and procedures employed, BASED ON EACH UTILITY'S SPECIFIC CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE UTILITY'S GEOGRAPHY AND ACTUAL STORM DAMAGE AND RESTORATION EXPERIENCE, to enhance the reliability of overhead and underground electrical transmission and distribution facilities in conformance with the provisions of this rule. Each filing shall address, BASED ON EACH UTILITY'S SPECIFIC CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE UTILITY'S GEOGRAPHY AND ACTUAL STORM DAMAGE AND RESTORATION EXPERIENCE, the extent to which the utility's storm hardening plan:

(a) Complies, at a minimum, with the National Electric Safety Code (ANSI C-2) [NESC] that is applicable pursuant to Rule 25-6.034(2), F.A.C.

submit

(b) Adopts [DELETEDtheDELETE] STRENGTH STANDARDS WHICH EXCEED THE NESC REQUIREMENTS, INCLUDING BUT NOT LIMITED TO extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC for the following distribution facilities:

1. new construction;
2. major planned work, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule; and
3. critical infrastructure facilities and major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations.

(c) Is designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges.

(d) Provides for the placement of new and replacement distribution facilities so as to facilitate safe and efficient access for installation and maintenance pursuant to Rule 25-6.0341, F.A.C.

(4) Deployment Strategy: Each utility storm hardening plan shall explain the systematic approach the utility will follow to achieve the desired objectives of enhancing reliability and reducing restoration costs and outage times associated with extreme weather events, BASED ON EACH UTILITY'S SPECIFIC CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE UTILITY'S GEOGRAPHY AND ACTUAL STORM DAMAGE AND RESTORATION EXPERIENCE. The utility's storm hardening plan shall provide a detailed description of its deployment strategy including, but not limited to the following:

(a) A description of the facilities affected; including technical design specifications, construction standards, and construction methodologies employed.

(b) The communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and major thoroughfares pursuant to subparagraph (3)(b)3, are to be made.

(c) The extent to which the electric infrastructure improvements involve joint-use facilities on which third party attachments exist.

(d) An estimate of the costs and benefits to the utility of making the electric infrastructure improvements, including the effect on reducing storm restoration costs and customers outages.

(e) An estimate of the costs and benefits, obtained pursuant to subsection (5) below, to third-party attachers affected by the electric infrastructure improvements, including the effect on reducing storm restoration costs and customers outages realized by the third-party attachers.

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