

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of 2007 Electric Infrastructure)  
Storm Hardening Plan filed pursuant to )  
Rule 25-6.0342, Florida Administrative Code)  
Submitted by Progress Energy Florida, Inc. )  
\_\_\_\_\_)

DOCKET NO.: 070298-EI  
Filed: May 4, 2007

**COMMENTS OF TIME WARNER TELECOM OF FLORIDA, LLP**  
**ON INFRASTRUCTURE STORM HARDENING PLAN**

COMES NOW Time Warner Telecom of Florida, LLP (Time Warner Telecom) and files this its written comments with regard to the Storm Hardening Plan filed by Florida Power and Light Company in the above styled docket and would show the following:

1. Time Warner Telecom from time to time enters into pole attachment and use agreements with various utilities as a telecommunications competitive local exchange carrier. Time Warner Telecom has participated in the docket and rule making process leading to these storm hardening plans and comments filed by the electric utilities of Florida in various dockets.

2. Time Warner Telecom has reviewed the filing in the above styled docket and is concerned that any procedures for joint users may be utilized to transfer capital costs and maintenance cost more properly allocated to the utility to pole attachers. Specifically, page 47 of the Procedures for Joint Users of the filing provides under paragraph 4 of New Construction and under paragraph 2 of "Existing Poles," states that FPL will request a contribution or CIAC will be collected for the increased size and strength required to accommodate the facilities of all attachers and parties.

3. This contribution in aid of construction requirement or additional charge could potentially shift costs from electric rate payers to other pole attachers improperly and Time

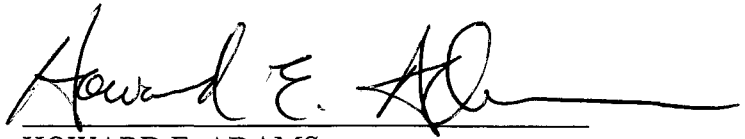
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Warner Telecom urges the Commission to carefully continue to review this area for the potential of abuse.

4. Time Warner Telecom is also concerned that such increased costs or charges for storm hardening may have the effect of increasing pole attachment rates. Consequently, Time Warner Telecom may not have the ability to pass such increased costs and pole attachment rates along to the consumer in a competitive environment. Competitive local exchange carriers may be at a disadvantage in the competitive market and unable to effectively compete as pole attachment rates rise.

5. Time Warner Telecom is aware of the time constraints facing the utilities in preparing these storm hardening plans. Time Warner believes each utility has acted in a manner to protect the public and prevent damage to its facilities as well as third party attachers in the development of those plans. Time Warner Telecom reserves the right to continue to comment and work with the utility on an informal basis as further storm hardening plans for each area or each utility service area in which Time Warner Telecom is a competitive local exchange carrier are prepared. Time Warner Telecom also reserves the right to challenge and bring to the Commission any disputes which may arise regarding local storm hardening plans as they are implemented at the local level as contemplated pursuant to Rule 25-6.0342(7) regarding disputes among utilities.

Respectfully submitted this 30<sup>th</sup> day of May 2007.



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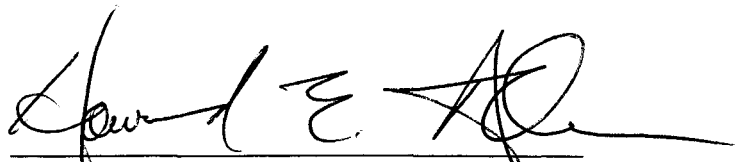
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Comments Of Time Warner Telecom of Florida, LLP, On Infrastructure Storm Hardening Plan, was served via First Class U.S. mail this 30<sup>th</sup> day of May, 2007, to the following:

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