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**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 Florida Power and Light Company.

Docket No. 070301-EI

**Filed: September 14, 2007**

**PREHEARING STATEMENT OF THE FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION, INC.**

Pursuant to the Order Consolidating Dockets and Establishing Procedure, Order No. PSC-07-0573-PCO-EI, issued July 10, 2007, the Florida Cable Telecommunications Association, Inc. (FCTA) hereby submits its Prehearing Statement.

A. Known Witnesses

FCTA intends to offer the testimony of Michael T. (Mickey) Harrelson, dated September 7, 2007.

B. Known Exhibits

FCTA intends to sponsor the following exhibits for witness Michael T. Harrelson:

- MTH – 1 Curriculum Vitae/List of Previously Filed Testimony
- MTH – 2 CIF projects—Lateral Line and Other Guying Effects, Lake City Veterans Administration Hospital (Columbia County)/Lee County Hospital (Fort Myers)
- MTH – 3 CIF projects – Large Trees by Hardened Lines, Lake City Veterans Administration Hospital (Columbia County)/Lee County Memorial Hospital (Fort Myers)
- MTH – 4 Affidavit of Dr. Lawrence T. Slavin
- MTH – 5 Process to Engage Third Party Attachments

C. Basic Position

FPL's Storm Hardening Plan, submitted May 7, 2007 ("Plan"), should not be approved by the Commission. FPL's Plan utilizes extreme wind loading (EWL) standards for all new construction and

major planned work, including expansion, rebuild, or relocation of existing facilities. This is not prudent, practical or cost effective. Furthermore, certain aspects of FPL's deployment strategy are not prudent, practical or cost effective.

In addition, FCTA has concerns about the Attachment Standards and Procedures currently set forth in FPL's Plan. Certain of FPL's Attachment Standards and Procedures do not concern storm hardening and instead constitute rates, terms and conditions of attachment, which should be established through good faith contract negotiation with input from attachers as required by Rule 25-6.0342(6), F.A.C. and/or FCC resolution. While FPL's Attachment Standards and Procedures related to loading are appropriate for *consideration* in this Docket, they should not be *approved* by the Commission because they do not constitute a reasonably practicable method of meeting the Commission's overall objective of enhancing reliability and reducing restoration costs and outages as required by Rule 25-6.0342, F.A.C.

Finally, while the Plan does contain detailed information about the critical infrastructure projects planned for 2007, it does not provide sufficient details about its critical infrastructure projects for 2008 or 2009, the impact of the Plan on joint use facilities, its plans for new construction for any year, it plans for major planned work for any year, or the projected costs and benefits for its hardening activities for any year, to enable third party attachers to assess with any precision the costs and benefits on their operations. However, FCTA believes the lack of detail in the current plan should be resolved by the proposed Process to Engage Third Party Attachers, which creates a process to ensure that information is provided to third party attachers during the design phase and throughout the construction phase of a project, that the Company will consider input from third party attachers, and that third party attachers can dispute the implementation of a particular project once detailed information is provided.

D. – F. Issues

40. Does the Company's Plan address the extent to which, at a minimum, the Plan complies with the National Electric Safety Code (ANSI C-2) [NESC] that is applicable to subsection 25-6.0345(2), F.A.C. [Rule 25-6.0342(3)(a)]

**FCTA:** Yes, the Company's Plan addresses the extent to which, at a minimum, the Plan complies with the NESC and yes, the Plan complies at a minimum with the NESC.

41. Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for new distribution facility construction? [Rule 25-6.0342(3)(b)1]

**FCTA:** The Company's Plan, which proposes to adopt EWL for new distribution facility construction, is not prudent, practical or cost effective.

42. Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for major planned work on the distribution system, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule distribution facility construction? [Rule 25-6.0342(3)(b)2]

**FCTA:** The Company's Plan, which proposes to adopt EWL for all major planned work, including expansion, rebuild, or relocation of existing facilities, is not prudent, practical or cost effective.

43. Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for distribution facilities serving critical infrastructure facilities and along major thoroughfares taking into account political and geographical boundaries and other applicable operational consideration? [Rule 25-6.0342(3)(b)3]

**FCTA:** The Company's Plan to use EWL criteria for critical infrastructure circuits is prudent, practical and cost-effective. However, as set forth below, FCTA has serious concerns about how FPL will deploy these specific critical infrastructure projects.

44. Does the Company's Plan address the extent to which its distribution facilities are designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges? [Rule 25-6.0342(3)(c)]

**FCTA:** Based on the currently available information, FCTA takes no position on this issue.

45. Does the Company's Plan address the extent to which the placement of new and replacement distribution facilities facilitate safe and efficient access for installation and maintenance pursuant to Rule 25-6.0341, F.A.C.? [Rule 25-6.0342(3)(d)]

**FCTA:** Based on currently available information, FCTA takes no position on this issue.

46. Does the Company's Plan provide a detailed description of its deployment strategy including a description of the facilities affected; including technical design specifications, construction standards, and construction methodologies employed? [Rule 25-6.0342(4)(a)]

**FCTA:** No. The Plan does not adequately describe the Company's deployment strategy.

While the Plan does contain detailed information about the critical infrastructure projects

planned for 2007, it does not provide sufficient details about its critical infrastructure projects for 2008 or 2009, its plans for new construction for any year, it plans for major planned work for any year, or the projected costs and benefits for its hardening activities for any year, to enable third party attachers to assess with any precision the costs and benefits on their operations. However, FCTA believes the lack of detail in the current plan may well be resolved by the proposed Process to Engage Third Party Attachers, which creates a process to ensure that information is provided to third party attachers during the design phase and throughout the construction phase of a project, that the Company will consider input from third party attachers, and that third party attachers can dispute the implementation of a particular project once detailed information is provided. Moreover, many aspects of FPL's deployment strategy are not prudent, practical or cost effective.

47. Does the Company's Plan provide a detailed description of 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 along major thoroughfares pursuant to subparagraph (3)(b)3 are to be made? [Rule 25-6.0342(4)(b)]

**FCTA:** No, while the Plan does contain detailed information about the communities and areas in which critical infrastructure projects are planned for 2007, it does not provide sufficient details about the location of its critical infrastructure projects for 2008 or 2009, its plans for new construction for any year, it plans for major planned work for any year, or the projected costs and benefits for its hardening activities for any year, to enable third party attachers to assess with any precision the costs and benefits on their operations. However, FCTA believes the lack of detail in the current Plan may well be resolved by the proposed Process to Engage Third Party Attachers, which creates a process to

ensure that information is provided to third party attachers during the design phase and throughout the construction phase of a project, that the Company will consider input from third party attachers, and that third party attachers can dispute the implementation of a particular project once detailed information is provided.

48. Does the Company's Plan provide a detailed description of the extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exists? [Rule 25-6.0342(4)(c)]

**FCTA:** No, the Company's Plan does not provide a detailed description of the extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exists. However, the proposed Process to Engage Third Party Attachers may well resolve FCTA's concerns regarding the level of detail in FPL's Plan pertinent to this issue.

49. Does the Company's Plan provide 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 customer outages? [Rule 25-6.0342(4)(d)]

**FCTA:** No. However, the proposed Process to Engage Third Party Attachers may well resolve FCTA's concerns regarding the level of detail currently missing from FPL's Plan pertinent to this issue.

50. Does the Company's Plan provide an estimate of the costs and benefits, obtained pursuant to subsection (6) below, to third-party attachers affected by the electric infrastructure improvements,

including the effect on reducing storm restoration costs and customer outages realized by the third-party attachers? [Rule 25-6.0342(4)(e)]

**FCTA:** No. FCTA does not yet have enough information about the costs and benefits of FPL's storm hardening plan to provide a specific estimate of the costs and benefits that FPL's Plan will have on its cable operator members. However, the costs that may be recovered from cable operators are tightly prescribed by the FCC. Cable operators may incur significant additional costs as a result of the Company's Plan. Operators may incur increased transfer costs, annual pole rental rates may increase, and the costs attendant to making the pole ready for third party attachments will increase. The number of cable operator attachments on which rents are paid may increase as additional poles are set in existing spans. It remains to be determined the extent to which the Company's Plan will benefit third parties. Given the uncertainty about the specific cost benefit impact on third party attachers, FCTA supports limited pilot projects and continued monitoring to enable affected parties to study the potential benefits of FPL's planned hardening activities.

51. Does the Company's Plan include written Attachment Standards and Procedures addressing safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles that meet or exceed the edition of the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to Rule 25-6.034, F.A.C.? [Rule 25-6.0342(5)]

**FCTA:** No. Certain of the Attachment Standards and Procedures set forth in FPL's Plan are not related to the Commission's overall objective of enhancing reliability or reducing restoration costs. Only those Attachment Standards and Procedures pertaining to the loading impact of third party attachments on the strength of poles relate to storm hardening and should be included in the Plan. All

other details of FPL's Attachment Standards and Procedures should not be in the Plan but, instead, should be established through good faith contract negotiation with input from attachers as required by Rule 26-06.0342(6), F.A.C. and/or FCC resolution. Furthermore, FPL's Attachment Standards and Procedures that do relate to the loading impact of third party attachments do not constitute a reasonably practicable means of meeting the Commission's objectives of enhancing reliability and reducing storm related costs and outages, as is required by Rule 25-6.0342

52. Based on the resolution of the preceding issues, should the Commission find that the Company'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. [Rule 25-6.0342(1) and (2)]

**FCTA:** No.

G. Stipulated Issues

FCTA agrees with AT&T, Verizon, Embarq, Gulf, FPL, TECO, and Progress that the proposed Process to Engage Third Party Attachers will alleviate concerns regarding the level or required detail currently missing from the Plan. FCTA is not a party to any other stipulations at this time.

H. Pending Motions

FCTA has no pending motions or other matters requiring attention at this time.

I. Pending Confidentiality Requests

FCTA has no pending confidentiality requests.

J. Compliance With Order on Procedure

FCTA believes that this Prehearing Statement fully complies with the requirements of the Order Consolidating Dockets and Establishing Procedure, Order No. PSC-07-0573-PCO-EI.

K. Objections to Witness Qualifications

FCTA has no objection to the qualifications of any expert witness.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of September, 2007.

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**BEFORE THE PUBLIC SERVICE COMMISSION**

In re: Review of 2007 Electric Infrastructure )  
Storm Hardening Plan Filed pursuant to Rule )  
25-6.0342, F.A.C., submitted by Florida )  
Power & Light Company )

DOCKET NO. 070301-EI

**Filed: September 14, 2007**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Prehearing Statement of the Florida Cable Telecommunications Association, Inc. in Docket No. 070301-EI was served via Electronic Mail and First Class US Mail to the persons listed below on this 14th day of September, 2007:

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