

Ruth Nettles

From: Naim, Fariba [faribanaim@dwt.com]
Sent: Friday, September 14, 2007 3:20 PM
To: Filings@psc.state.fl.us
Cc: Seiver, John; Browne, Maria
Subject: FCTA's Prehearing Statement in Docket No. 070297-EI
Attachments: FCTA Prehearing Statement Docket No. 070297-EI.DOC

Electronic Filing

1. The full name, address, telephone number, and e-mail address of the person(s) responsible for the electronic filing:

John Seiver | Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 200 | Washington, DC 20006
Tel: (202) 973-4212 | Fax: (202) 973-4499 | Mobile: (202) 256-1760
Email: johnseiver@dwt.com | Website: www.dwt.com

Maria Browne | Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 200 | Washington, DC 20006
Tel: (202) 973-4281 | Fax: (202) 973-4499 | Mobile: (202) 412-5150
Email: mariabrowne@dwt.com | Website: www.dwt.com

2. The docket number and title if filed in an existing docket: 070297-EI
3. The name of the party on whose behalf the document is filed: Florida Cable Telecommunications Association, Inc.
4. The total number of pages in each attached document : 15 pages (including the Certificate of Service)
5. Prehearing Statement of the Florida Cable Telecommunications Association Inc. in Docket No. 070297-EI.

Fariba Naim | Davis Wright Tremaine LLP
Legal Secretary
1919 Pennsylvania Avenue NW, Suite 200 | Washington, DC 20006
Tel: (202) 973-4364 | Fax: (202) 973-4499
Email: faribanaim@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

DOCUMENT NUMBER - DATE
08399 SEP 14 5
FPSC-COMMISSION CLERK

9/14/2007

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 Tampa Electric Company.

Docket No. 070297-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 Affidavit of Dr. Lawrence T. Slavin
- MTH – 3 Process to Engage Third Party Attachers

C. Basic Position

TECO's Storm Hardening Plan, submitted May 7, 2007 ("Plan"), should not be approved by the Commission. While the FCTA does not oppose TECO's proposal to maintain Grade B as the construction standard for its distribution facilities or to test extreme wind loading (EWL) criteria on a limited pilot project basis, certain aspects of TECO's deployment strategy are not prudent, practical or cost effective.

FCTA also has concerns about the Attachment Standards and Procedures currently set forth in TECO's Plan. Certain of TECO'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. Only the Attachment Standards and Procedures that relate to the loading impact of third party attachments are appropriate for consideration in this Docket. However, the Attachment Standards and Procedures in TECO's Plan that do concern loading (only Section 8.3, pertaining to permits for new attachments and overlashing, and Section 8.7, regarding TECO's process for conducting its 8-year poles inspections) do not constitute reasonably practicable means of meeting the Commission's objective of enhancing the reliability of electric distribution and transmission system and reducing storm related outages and costs.

In addition, TECO's Plan still has insufficient detail about joint use facilities impacted by the Plan as well as the technical design specifications, construction standards, and construction methodologies that TECO intends to employ to enable cable operators to determine the costs and benefit of the Plan for cable operators in TECO's territory. However, the Process to Engage Third Parties, 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, should address some of FCTA's concern about the lack of detailed information in the Plan.

D. – F. Issues

1. 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.

2. 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 Plan does not adopt EWL for new distribution facility construction and thus, FCTA takes no position on this issue.

3. 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 Plan does not adopt EWL criteria for major planned work and thus, FCTA takes no position on this issue.

4. 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 Plan only adopts EWL for limited critical infrastructure pole projects and thus, FCTA takes no position on this issue.

5. 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)(b)(3)(c)]

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

6. 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 the currently available information,] FCTA takes no position on this issue.

7. 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. The Plan does not include specific technical design specifications, construction standards and construction methodologies that will be employed by the Company in hardening poles. The proposed Process to Engage Third Party Attachers should resolve FCTA's concerns about the lack of detail currently in the Plan with regard to specific pilot projects, but does not fully alleviate concerns regarding lack of detail

regarding TECO's planned pole inspections and continued deployment of Grade B construction standard in a prudent, practical and cost-effective manner. Moreover, the Company's deployment strategy is not prudent, practical or cost effective, as required by Rule 25-6.0342.8.

8. 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: The Company's Plan provides a 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. Moreover, the proposed Process to Engage Third Party Attachers likely resolves FCTA's concerns regarding the level of detail currently missing from TECO's Plan pertinent to this issue.

9. 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 exist? [Rule 25-6.0342(4)(c)]

FCTA: No. The proposed Process to Engage Third Party Attachers should address FCTA's concerns regarding the level of detail currently missing from TECO's Plan pertinent to this issue except that FCTA still has significant concerns about the lack of detail in the Plan regarding TECO's pole inspections and its deployment of Grade B criteria.

10. 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 likely resolves FCTA's concerns regarding the level of detail currently missing from TECO's Plan pertinent to this issue.

11. 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 TECO's storm hardening plan to provide a specific estimate of the costs and benefits that TECO'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 TECO's planned hardening activities.

12. 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 TECO'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 TECO'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, TECO's Attachment Standards and Procedures that do relate to the loading impact of third party attachments (only Section 8.7, which addresses TECO's plans to conduct a loading analysis of third party attachments during its 8-year pole inspection process, and Section 8.3, which pertains to TECO's permit application procedure, particularly as it applies to overlashing) 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. .

13. 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 14th day of September, 2007.

By: /s/ Maria T. Browne
Maria T. Browne, Esquire
John D. Seiver, Esquire
Davis Wright Tremaine, LLP
1919 Pennsylvania Ave., NW, Suite 200
Washington, D.C. 20006
(202) 973 - 4212 (Phone)
(202) 973 - 4499 (Fax)

*Attorneys for the Florida Cable
Telecommunications Association, Inc.*

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Review of 2007 Electric Infrastructure) DOCKET NO 070297-EI
Storm Hardening Plan Filed pursuant to Rule)
25-6.0342, F.A.C., submitted by Tampa)
Electric Company.)

Filed: September 14, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Prehearing Statement of Florida Cable Telecommunications Association, Inc. in Docket No. 070297-EI was served via Electronic Mail and First Class US Mail to the persons listed below on this 14th day of September, 2007:

Katherine E. Fleming, Senior Attorney
Lisa Bennett, Esquire
Rick Mann, Esquire
Adam Teitzman, Esquire
Keino Young, Esquire
Office of the General Counsel
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399 – 0850
keflemin@psc.state.fl.us
lbennett@psc.state.fl.us
ateitzma@psc.state.fl.us
rmann@psc.state.fl.us
kyoung@psc.state.fl.us
lholley@psc.state.fl.us
John T. Butler
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
john_butler@fpl.com

William (Bill) Walker
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859
bill_walker@fpl.com

Susan D. Ritenour
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780
sdritenour@southernco.com

J. Stone/R. Badders/S. Griffin
Beggs & Lane Law Firm
Attorneys for Gulf Power Company
P.O. Box 12950
Pensacola, FL 32591
jas@beggslane.com
rab@beggslane.com
srg@beggslane.com

John T. Burnett
Attorney for Progress Energy, Florida, Inc.
P.O. Box 14042
St. Petersburg, FL 33733-4042
john.burnett@pgnmail.com

Docket No. 070297-EI
FCTA's Prehearing Statement

Paul Lewis, Jr.
Progress Energy Florida, Inc.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740
paul.lewisjr@pgnmail.com

Paula K. Brown
Tampa Electric Company
Administrator, Regulatory Affairs
P. O. Box 111
Tampa, FL 33601-0111
regdept@tecoenergy.com

Lee L. Willis
James D. Beasley
Ausley McMullen
227 South Colhoun Street
Post Office Box 391 (32302)
Tallahassee, FL 32301
llwillis@ausley.com
jbeasley@ausley.com

David Christian
Verizon Florida LLC
106 East College Avenue, Suite 710
Tallahassee, FL 32301-7721
david.christian@verizon.com

Dulaney L. O'Roark III, General Counsel
Southeast Region Verizon
6 Concourse Parkway, Suite 600
Atlanta, GA 30328
de.oroark@verizon.com

Douglas J. Sale
Harrison , Sale, McCloy, Thompson, Duncan,
and Jackson
304 Magnolia Avenue
Post Office Drawer 1579
Panama City, FL 32402-1579
dsale@harrisonsale.com

Richard Jackson
City of Panama City Beach and PCB Comm.
Redevelop. Agency
110 South Arnold Road
Panama City Beach, FL 32413
jacksonR13@comcast.net

Robert S. Wright/John T. LaVia, III, Esquire
Young van Assenderp, P.A.
Attorneys for City of Panama Beach
225 South Adams Street, Suite 200
Tallahassee, Florida 32301
swright@yvlaw.net
jlavia@yvlaw.net
(Represents MUCC)

Docket No. 070297-EI
FCTA's Prehearing Statement

Susan S. Masterton
Embarq Florida, Inc.
Mailstop: FLTLHO0102
1313 Blair Stone Rd.
Tallahassee, FL 32301
susan.masterton@embarq.com

Hon. Charles Falcone, Mayor
c/o Donald R. Hubbs, Asst Town Manager
Town of Jupiter Island
Post Office Box 7
Hobe Sound, FL 33475
cafalcone@adelphia.net

J.Meza/E.Edenfield/J. Kay/T. Hatch
P.Carver/M.Gurdian
c/o Nancy H. Sims, Esquire
Attorneys for AT&T and TCG
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556
nancy.sims@bellsouth.com

Colentha Wilson
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
cdwilson@psc.state.fl.us

Howard E. Adams/Peter M. Dunbar
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.
Time Warner Telecom of Florida, LP
P.O. Box 10095
Tallahassee, FL 32302-2095
gene@penningtonlaw.com

Charles J. Beck, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
beck.charles@leg.state.fl.us

Beth Keating, Esquire
Akerman, Senterfitt
Attorney for FCTA
106 East Collage Avenue, Suite 1200
Tallahassee, FL 32301
beth.keating@akerman.com

Thomas G. Bradford, Deputy Town Mgr
Town of Palm Beach, Florida
360 South County Road
Palm Beach, FL 33480
tbradford@townofpalmbeach.com

Florida Cable Telecom Association
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303
(US First Class Mail Only)

/s/ Maria T. Browne
Maria T. Browne