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Sent: Friday, September 14, 2007 4:34 PM
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Subject: Electronic Filing - Docket 070301-EI
Attachments: MUUC.PrehearingStatement.9-14-07.doc

a. Person responsible for this electronic filing:

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b. Docket No. 070301-EI

In Re: Approval of Florida Power & Light Company's Storm Hardening Plan Pursuant to Rule 25-6.0342, F.A.C.

c. Document being filed on behalf of the Town of Jupiter Island, Florida, the Town of Palm Beach, Florida, and the Municipal Underground Utilities Consortium.

d. There are a total of 10 pages.

e. The document attached for electronic filing is the Prehearing Statement of the Town of Jupiter Island, Florida, the Town of Palm Beach, Florida, and the Municipal Underground Utilities Consortium.

(see attached file: MUUC.PrehearingStatement.9-14-07.doc)

Thank you for your attention and assistance in this matter.

Rhonda Dulgar
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9/14/2007

DOCUMENT NUMBER - DATE
08420 SEP 14 8
COMMISSION CLERK

BEFORE THE FLORIDA 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 Tampa Electric Company.	DOCKET NO. 070297-EI
In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Progress Energy Florida, Inc.	DOCKET NO. 070298-EI
In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Gulf Power Company.	DOCKET NO. 070299-EI
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

PREHEARING STATEMENT OF THE TOWN OF JUPITER ISLAND, FLORIDA, THE TOWN OF PALM BEACH, FLORIDA, AND THE MUNICIPAL UNDERGROUND UTILITIES CONSORTIUM

Pursuant to Commission Order No. PSC-07-0573-PCO-EI, issued July 10, 2007, the Town of Jupiter Island, Florida, the Town of Palm Beach, Florida, and the Municipal Underground Utilities Consortium (collectively referred to herein as the "MUUC") hereby file their Prehearing Statement.

a. All Known Witnesses

The MUUC is not sponsoring any witnesses in these dockets.

b. All Known Exhibits

The MUUC has no direct exhibits.

c. Statement of Basic Position

FPL's Plan addresses the requisite items set forth in the Commission's rules, and FPL's Plan is practical, as far as it goes. In particular, FPL's Plan deserves credit for moving to Extreme Wind Loading criteria for new distribution and for major

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reconstruction, relocation, and refurbishment work. However, the MUUC believes that additional efforts, especially with regard to encouraging and implementing underground facilities – particularly in high-density areas – would be cost-effective and therefore prudent, and since FPL's Plan does not provide adequate analysis of the costs and benefits of undergrounding as a hardening technology, as compared to alternate construction modes – EWL in FPL's case – the MUUC believes that FPL's Plan cannot be said to be demonstrably prudent or cost-effective.

d. Positions on Specific Issues

Docket No. 070297-EI – Tampa Electric Company (TECO)

The MUUC and the Towns are not intervenors in this docket, which addresses Tampa Electric Company's Storm Hardening Plan. Accordingly, the MUUC and the Towns take no position with respect to Issues 1-13.

Docket No. 070298-EI – Progress Energy Florida, Inc.

The MUUC and the Towns are not intervenors in this docket, which addresses Progress Energy Florida's Storm Hardening Plan. Accordingly, the MUUC and the Towns take no position with respect to Issues 14-26.

Docket No. 070299-EI – Gulf Power Company (Gulf)

The MUUC and the Towns are not intervenors in this docket, which addresses Gulf Power Company's Storm Hardening Plan. However, the City of Panama City Beach is a member of the MUUC, and accordingly, as indicated below, the MUUC and the Towns wish to take the position "Agree with PCB" with respect to Issues 27-39.

ISSUE 27: 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 pursuant to subsection 25-6.0345(2), F.A.C.? [Rule 25-6.0342(3)(a)]

MUUC POSITION: Agree with PCB.

ISSUE 28: 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)]

MUUC POSITION: Agree with PCB.

ISSUE 29: 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]

MUUC POSITION: Agree with PCB.

ISSUE 30: 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 considerations? [Rule 256.0342(3)(b)3]

MUUC POSITION: Agree with PCB.

ISSUE 31: 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)]

MUUC POSITION: Agree with PCB.

ISSUE 32: 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)]

MUUC POSITION: Agree with PCB.

ISSUE 33: 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)]

MUUC POSITION: Agree with PCB.

ISSUE 34: 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)]

MUUC POSITION: Agree with PCB.

ISSUE 35: 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)]

MUUC POSITION: Agree with PCB.

ISSUE 36: 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)]

MUUC POSITION: Agree with PCB.

ISSUE 37: 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)]

MUUC POSITION: Agree with PCB.

ISSUE 38: 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)]

MUUC POSITION: Agree with PCB.

ISSUE 39: 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)]

MUUC POSITION: Agree with PCB.

Docket No. 070301-EI – Florida Power & Light Company (FPL)

ISSUE 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 pursuant to subsection 25-6.0345(2), F.A.C.? [Rule 25-6.0342(3)(a)]

MUUC POSITION: Yes.

ISSUE 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]

MUUC POSITION: Yes.

ISSUE 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]

MUUC POSITION: Yes, FPL's Plan addresses this subject. However, the "incremental hardening" component of FPL's Plan appears to indicate that an existing line that is built to less-than-EWL standards would only be rebuilt to its existing wind-speed rating, e.g., 100 MPH; the MUUC believes that any section above a certain minimum number of poles (to be determined) should be upgraded to EWL standards when being rebuilt, rather than rebuilt only to its existing design level. Additionally, the MUUC believes that FPL's use of the extreme wind loading criteria in all of the above work situations could be stated more clearly in FPL's Plan.

ISSUE 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 considerations? [Rule 256.0342(3)(b)3]

MUUC POSITION: Yes.

ISSUE 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)]

MUUC POSITION: No. FPL's Plan does not adequately address underground design issues, nor does it provide adequate analysis of the costs and benefits of undergrounding as a hardening technology, as compared to alternate construction modes.

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)]

MUUC POSITION: While the MUUC believes that facility placement is not addressed clearly in FPL's Plan, the MUUC notes that FPL's Storm Secure initiative favors the use of rights-of-way for the location of facilities and also notes that FPL has been working with MUUC representatives toward a right-of-way agreement for the installation of Underground facilities pursuant to FPL's Governmental Adjustment Factor tariffs. The MUUC understands FPL's Plan to intend its implementation within the policy principles set forth in FPL's Storm Secure initiative.

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)]

MUUC POSITION: Yes, especially FPL's Addendum for Extreme Wind Loading to its Distribution Engineering Reference Manual.

ISSUE 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)]

MUUC POSITION: No. FPL's Plan includes a one-page list of "circuits planned for hardening to EWL" by county and by identity of the customer. This information includes no description of the communities or the areas served by the circuits, nor of the circuits themselves. This limited information is inadequate for city officials to understand the areas affected and the circuits involved, and FPL's Plan should be expanded to include the detailed information required by the Rule; this information is also required for local government officials to understand what work is actually contemplated and to make meaningful decisions (e.g., relative to undergrounding or other planning decisions) relative to the work.

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

MUUC POSITION: No.

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)]

MUUC POSITION: No. FPL's Plan does not adequately address the total costs and benefits of storm hardening, esp. as regards the use of undergrounding as a hardening

technique or technology. However, in Docket No. 060150-EI, FPL did prepare an economic analysis of projected storm restoration cost savings from undergrounding. The MUUC is still awaiting FPL's estimates of savings from other operational cost considerations, pursuant to the Commission's rules.

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)]

MUUC POSITION: No. FPL's Plan reports costs as reported to FPL by ATT and Embarq. FPL's Plan also reports that ATT recognizes the possible generic benefit of reduced outages at its commercial facilities and that Embarq recognizes similar generic, but unquantified, benefits of FPL's storm hardening efforts in reduced customer outages and reduced restoration times. In fairness to FPL, it is probably not FPL's job to do more than survey attachers, but its Plan cannot be said to adequately provide an estimate of the benefits to third-party attachers of storm hardening efforts.

ISSUE 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)]

MUUC POSITION: Yes.

ISSUE 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)]

MUUC POSITION: No. FPL's Plan is practical, as far as it goes. However, the MUUC believes that additional efforts, especially with regard to encouraging and implementing underground facilities – particularly in high-density areas – would be cost-effective and therefore prudent, and since FPL's Plan does not provide adequate analysis of the costs and benefits of undergrounding as a hardening technology, as compared to alternate construction modes – EWL in FPL's case – the MUUC believes that FPL's Plan cannot be said to be demonstrably prudent or cost-effective.

e. Stipulated Issues

The MUUC is not aware of any stipulated issues at this time.

f. Pending Motions

The MUUC has no pending motions at this time.

g. Pending Confidentiality Claims or Requests

The MUUC has no pending confidentiality claims or requests at this time.

h. Objections to Witness Qualifications as an Expert

The MUUC has no objections to any witness' qualifications as an expert in this proceeding.

i. Compliance with Order No. PSC-07-0573-PCO-EI

The MUUC has complied with, and expects to be able to comply with, all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 14th day of September, 2007.

S/Robert Scheffel Wright

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the PREHEARING STATEMENT OF THE TOWN OF JUPITER ISLAND, FLORIDA, THE TOWN OF PALM BEACH, FLORIDA, AND THE MUNICIPAL UNDERGROUND UTILITIES CONSORTIUM was furnished to the following, by electronic and U.S. Mail, on this 14th day of September, 2007.

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