

Senior Attorney Legal Department AT&T Florida 150 South Monroe Street Suite 400 Tallahassee, FL 32301

T: (305) 347-5332 F: (305) 375-0209 jennifer.kay@att.com

September 26, 2007

Ms. Ann Cole Commission Clerk Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

> Docket No. 070297-EI: Review of 2007 Electric Infrastructure Storm Re:

Hardening Plan filed pursuant to Rule 25-6.0342, FAC, submitted by

**Tampa Electric Company** 

Docket No. 070298-EI: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, FAC, submitted by

Progress Energy Florida, Inc.

**Docket No. 070299-EI: Review of 2007 Electric Infrastructure Storm** Hardening Plan filed pursuant to Rule 25-6.0342, FAC, submitted by

**Gulf Power Company** 

Docket No. 070301-EI: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, FAC, submitted by

Florida Power & Light Company

Dear Ms. Cole:

Enclosed is a Proposed Stipulation executed by all parties and intervenors of record regarding the Process to Engage Third-Party Attachers, which we ask that you file in the captioned dockets.

Copies have been served to the parties shown on the attached Certificate of Service.

cc: All Parties of Record Jerry D. Hendrix E. Earl Edenfield, Jr. James Meza III

# CERTIFICATE OF SERVICE Docket Nos. 070297-EI, 070298-EI, 070299-EI and 070301-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Electronic Mail, (\*\*) Facsimile and First Class U. S. Mail this 26<sup>th</sup> day of September,

### 2007 to the following:

Adam Teitzman
Rick Mann
Keino Young
Staff Counsels
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us
rmann@psc.state.fl.us
kyoung@psc.state.fl.us
lbennett@psc.state.fl.us
keflemin@psc.state.fl.us

Lee L. Willis
James D. Beasley
Ausley & McMullen
227 South Calhoun Street
Post Office Box 391 (32302)
Tallahassee, FL 32301
Tel. No. (850) 224-9115
Fax. No. (850) 222-7560
Represents Tampa Electric
lwillis@ausley.com
jbeasley@ausley.com

Paula K. Brown
Administrador, Regulatory Affairs
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601
Tel. No. (813) 228-1444
regdept@tecoenergy.com

Progress Energy Florida, Inc. Mr. Paul Lewis, Jr. 106 East College Avenue Suite 800 Tallahassee, FL 32301-7740 Tel. No. (850) 222-8738 Fax. No. (850) 222-9768 paul.lewisjr@pgnmail.com

Progress Energy Service Co., LLC John T. Burnett P.O. Box 14042 Saint Petersburg, FL 33733-4042 Tel. No. (727) 820-5587 Fax. No. (727) 820-5519 john.burnett@pgnmail.com

Maria T. Browne, Esq.
Davis, Wright, Tremaine, LLP
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006
Tel. No. (202) 973-4281
Fax. No. (202) 973-4499
mariabrown@dwt.com

Beth Keating, Esq.
Akerman, Senterfitt
106 East Collage Ave., Suite 1200
Tallahassee, FL 32301
Tel. No. (850) 521-8002
Fax. No. (850) 222-0103
beth.keating@akerman.com

Beggs & Lane Law Firm Jeffrey A. Stone Russell A. Badders Steven R. Griffin P.O. Box 12950 Pensacola, FL 32591 Tel. No. (850) 432-2451 Fax. No. (850) 469-3331 Attys. for Gulf Power jas@beggslane.com rab@beggslane.com

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780
Tel. No. (850) 444-6231
Fax. No. (850) 444-6026
sdritenour@southernco.com

Florida Power & Light
Mr. Bill Walter (\*\*)
215 South Monroe Street
Suite 810
Tallahassee, FL 32301-1859
Tel. No. (850) 521-3900
Fax. No. (850) 521-3939

Florida Power & Light
John T. Butler
700 Universe Boulevard
Juno Beach, FL 33408-0420
Tel. No. (561) 304-5639
Fax. No. (561) 691-7135
john butler@fpl.com

Robert Scheffel Wright
John T. LaVia, III
Young van Assendert, P.A.
225 South Adams Street, Suite 200
Tallahassee, FL 32301
Tel. No. (850) 222-7206
Fax. No. (850) 561-6834
swright@yvlaw.net
ilavia@yvlaw.net
Represents MUUC

Thomas G. Bradford
Deputy Town Manager
Town of Palm Beach
360 South County Road
Palm Beach, FL 33401
Tel. No. (561) 838-5410
Fax. No. (561) 838-5411
tbradford@townofpalmbeach.com

The Honorable Charles Falcone, Mayor Post Office Box 7
Hobe Sound, FL 33475
Tel. No. (772) 545-0100
Fax. No. (772) 545-0188
cafalcone@adelphia.net

City of Panama City Beach and PCB Comm. Redevelop Agency Richard Jackson (\*\*) 110 South Arnold Road Panama City Beach, FL 32413 Tel. No. (850) 233-5100 Fax. No. (850) 233-5108

Harrison Law Firm
Douglas J. Sale
P. O. Drawer 1579
Panama City, FL 32402-1579
Tel. No. (850) 769-3434
Fax. No. (850) 769-6121
dsale@harrisonsale.com

Embarq Florida, Inc.
Susan S. Masterton
Mailstop: FLTLHO0102
1313 Blair Stone Rd.
Tallahassee, FL 32301
Tel. No. (850) 599-1560
Fax. No. (850) 878-0077
susan.masterton@embarq.com

Florida Cable Telecom. Assoc. (\*\*) 246 E. 6th Avenue Suite 100 Tallahassee, FL 32303 Tel. No. (850) 681-1990 Fax. No. (850) 681-9676

Verizon Florida LLC
Mr. David Christian
106 East College Avenue
Suite 710
Tallahassee, FL 32301-7721
Tel. No. (850) 224-3963
Fax. No. (850) 222-2912
david.christian@verizon.com

Verizon Florida LLC
Dulaney L. O'Roark III
Six Concourse Parkway, Suite 800
Atlanta, GA 30328
Tel. No. (770) 284-5498
Fax. No. (770) 284-5488
de.oroark@verizon.com

Jenkifer/S. Kay

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Review of 2007 Electric Infrastructure Storm	) Docket No. 070297-El
Hardening Plan filed pursuant to Rule	)
25-6.0342, FAC, submitted by Tampa Electric	)
Company	)
Review of 2007 Electric Infrastructure Storm	) Docket No. 070298-El
Hardening Plan filed pursuant to Rule	)
25-6.0342, FAC, submitted by Progress	)
Energy Florida, Inc.	)
Review of 2007 Electric Infrastructure Storm	) Docket No. 070299-EI
Hardening Plan filed pursuant to Rule	)
25-6.0342, FAC, submitted by Gulf Power	)
Company	)
Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, FAC, submitted by Florida Power	) Docket No. 070301-EI ) )
& Light Company	) Filed: September 26, 2007

### PROPOSED STIPULATION

The investor-owned utilities (Tampa Electric Company, Progress Energy Florida, Inc., Gulf Power Company, and Florida Power & Light Company), the telecommunications carriers (BellSouth Telecommunications, Inc. d/b/a AT&T Florida, TCG South Florida, Inc., Verizon Florida, LLC, Embarq Florida, Inc.) and the Florida Cable Telecommunications Association, Inc. stipulate to the following Process to Engage Third-Party Attachers, and respectfully request that it be approved by the Florida Public Service Commission in the above-referenced consolidated dockets. The Municipal Underground Utilities Consortium. the Towns of Jupiter Island and Palm Beach, the City of Panama City Beach and the Panama City Beach Community Redevelopment Agency have no objections to this proposed stipulation.

## PROCESS TO ENGAGE THIRD PARTY ATTACHERS

- 1. The electric utility and third-party attachers will engage in a continuous dialogue on the status of the electric utility's storm hardening plans. A third-party attacher that wishes to be part of this process ("Participant") shall provide notification in writing to the electric utility, providing the name and address of the person designated to receive communications from the electric utility. The electric utility may, no more than once a year, request that Participants confirm that they wish to continue being part of the process and update the name and address of the person designated to receive communication.
- 2. By September 5 of each year, the electric utility shall provide the Participants with a list of the projects identified in the electric utility's approved storm hardening plan on file with the Commission ("Plan") that the electric utility proposes to undertake in the following calendar year, pending internal budget approval. The electric utility shall provide the Participants with a list of such projects receiving final budget approval promptly as it becomes available.
- 3. Prior to engineering a job relative to a storm hardening project identified in its Plan, the electric utility shall initiate a meeting with Participants to discuss the electric utility's preliminary ideas for the scope of work ("Pre-Design Meeting"). At the Pre-Design Meeting, the electric utility shall (a) identify the poles involved; (b) identify whether the electric utility plans to

replace poles, change from wood poles to poles of another material (*e.g.*, steel or concrete), place poles in locations different from the existing poles, relocate overhead facilities or underground existing aerial facilities, and; (c) provide the projected commencement date, and; (d) upon request by a Participant, provide other available information that would enable the Participants to make necessary preparations and evaluate whether to seek dispute resolution pursuant to Rule 25-6.0342(7). During this pre-design phase of a project, the electric utility shall also seek input from Participants as required by Rule 25-6.0342(6).

- 4. The electric utility shall provide Participants with final engineering plans promptly upon completion. Prior to beginning construction, the electric utility shall initiate a meeting with Participants to discuss coordination of work and a construction schedule.
- 5. Information submitted to Participants pursuant to section 2, 3 or 4 above regarding projects identified in the electric utility's Plan will not be docketed unless a protest is filed in accordance with Rule 25-6.0342(7), or it is otherwise deemed necessary by the Commission.
- 6. If the electric utility seeks to amend its Plan by, for example, adding a project not previously identified in its Plan, it shall file a petition with the Commission requesting that the Plan be modified in accordance with Rule 25-6.0342(2).
- 7. The electric utility will file with the Director of Division of Economic Regulation by March 1 each year a status report of its implementation of

its Plan. Included in this status report shall be the name of storm hardening projects commenced and/or completed by the electric utility, the routes and circuits affected, and any comments on the project received from third-party attachers.

WHEREFORE, the above-referenced parties and intervenors of record request that the Proposed Stipulation set forth above be approved by the Florida Public Service Commission in this proceeding.

Respectfully submitted this 26th day of September, 2007.

AT&J FLORIDA and TCG SOUTH FLORIDA, INC.

JAMES MEZA I)

AUTHORIZED HOUSE COUNSEL NO. 426260

JENNIFER S. KAY

TRACY W. HATCH

c/o Gregory R. Follensbee

150 South Monroe Street, Ste. 400

Tallahassee, FL 32301

(305) 347-5558

E. EARL EDENFIELD JR.

AT&T Southeast

675 West Peachtree Street,

Suite 4300

Atlanta, GA 30375

(404) 335-0763

Dated this 25th day of September 2007.

SWYS NSTERTON

1313 Blair Stone Road

Tallahassee, FL 32301

(850) 599-1560 (phone)

(850) 878-0777 (fax)

susan.masterton@embarq.com

COUNSEL FOR EMBARQ FLORIDA, INC.

### VERIZON FLORIDA LLC

Dulaney L. O Roark III 5055 North Point Parkway Alpharetta, Georgia 30022 FLORIDA CABLE

TELECOMMUNICATIONS ASSOCIATION,

INC.

By:

Maria T. Browne, Esquire
John D. Seiver, Esquire
Davis Wright Tremaine, LLP
1919 Pennsylvania Ave., NW, Suite 200
Washington, D.C. 2006
(202) 973 – 4200
(202) 973 - 4499

Beth Keating, Esquire FL. Bar No. 0022756

Akerman Senterfitt

106 East College Avenue, Suite 1200

P.O. Box 1877 (32302) Tallahassee, Florida 32301

(850) 521-8002

beth.keating@akerman.com

Attorneys for Florida Cable Telecommunications Association, Inc. its Plan. Included in this status report shall be the name of storm hardening projects commenced and/or completed by the electric utility, the routes and circuits affected, and any comments on the project received from third-party attachers.

WHEREFORE, the above-referenced parties and intervenors of record request that the Proposed Stipulation set forth above be approved by the Florida Public Service Commission in this proceeding.

Respectfully submitted this \_\_\_\_\_ day of September, 2007.

PROGRESS ENERGY FLORIDA, INC.

John T. Burnett

Associate General Counsel-Florida

Progress Energy Service Company, LLC

P.O. Box 14042

St. Petersburg, FL 33733

(727) 820-5184

John.Burnett@pgnmail.com

### FLORIDA POWER & LIGHT COMPANY

JOHN T. BUTLER
Florida Power & Light Company
100 Universe Boulevard

Juno Beach, FL 33408-0420

(561) 304-5639

ATTORNEY FOR FLORIDA POWER & LIGHT COMPANY JEFFREY A. STONE

Florida Bar No. 0325953

RUSSELL A. BADDERS

Florida Bar No. 0007455

STEVEN R. GRIFFIN

Florida Bar No. 0627569

Beggs & Lane P. O. Box 12950

Pensacola, FL 32591-2950

(850) 432-2451

**Attorneys for Gulf Power Company** 

### TAMPA ELECTRIC COMPANY

LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391

Tallahassee, Florida 32302

(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

Respectfully submitted this 26th day of September, 2007.

Robert Scheffel Wright
Florida Bar No. 966721
John T. LaVia, III
Florida Bar No. 853666
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301
(850) 222-7206 Telephone
(850) 561-6834 Facsimile

Attorneys for the Municipal Underground
Utilities Consortium, the Town of Palm
Beach, Florida, the Town of Jupiter
Island, Florida, the City of Panama
City Beach, Florida, and the Panama
City Beach Community Redevelopment
Agency