

# FLORIDA INLAND NAVIGATION DISTRICT

October 2, 2018

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RE: American Telephone & Telegraph (ATT) Complaint: Failure to Relocate a Submerged Utility Line in a Timely Manner; Broward County, Florida

Dear Commissioners:

At the direction of the Board of Commissioners of the Florida Inland Navigation District ("FIND"), I submit this formal complaint concerning ATT's failure to relocate unpermitted subaqueous utility lines beneath the Intracoastal Waterway (IWW) in Broward County. ATT's failure to relocate these lines has delayed completion and increased the cost of a significant and necessary FIND IWW dredging project.

The Florida Legislature created FIND, an independent special taxing district of the State of Florida under Part II of Chapter 374, Florida Statutes, to serve as the local sponsor of the Federal navigation project known as the Intracoastal Waterway along the east coast of Florida. FIND works closely with the U.S. Army Corps of Engineers (USACE), Jacksonville District, to maintain and improve navigability of the IWW. The IWW directly and indirectly provides commercial and recreational waterway access and billions of dollars in economic benefits to the citizens, residents, property owners, workers and local governments of FIND's twelve-member counties and all of Florida.

Among the numerous projects that FIND has undertaken on the IWW is the "Broward Deepening Project." The objective of this project was to deepen the channel of the IWW from its existing depth of 10 feet below Mean Low Water ("MLW") to 15 feet below MLW in a 2-mile section in the City of Fort Lauderdale from the 17<sup>th</sup> Street Causeway to just north of the Las Olas Bridge. The additional five feet of channel depth will greatly expand the size and number of larger commercial and private vessels that can traverse this crucial stretch of the IWW, making Broward County more competitive in attracting these vessels. One sector of increased vessel traffic, "megayachts", generates significant economic activity wherever these vessels port and/or are maintained and overhauled. Fort Lauderdale has a highly developed infrastructure for servicing, maintaining and overhauling vessels of all kinds, particularly the megayachts. However, as these vessels have steadily increased in length and draft, the existing channel depth has become a constraint on vessel access. The Broward Deepening Project, when fully completed, will alleviate this constraint. It has taken over 15 years of planning, design, and permitting to get to the point where construction could occur, with FIND budgeting \$20 million for the successful completion of this project.

In the planning and design of this project, the dredging template was surveyed to identify and locate any submerged utility lines (water, sewer, electrical and telecommunications) that were in the dredging profile and would need to be relocated. Early on, an active set of communication lines owned by ATT was found in the IWW channel dredging template north of Las Olas Boulevard. It was determined, and ATT was notified in September 2015, that this set of subaqueous conduit bundle — located at approximately 16 feet below MLW — was unpermitted and needed to be replaced with a permitted line at a depth of at least 14 feet below the bottom of the deepened channel.

In December 2015, ATT notified FIND that it had imitated the relocation process — obtaining a permit, placing new ducts, replacing the cable — for the subaqueous crossing and set a target completion date of December 2016 (within the expected completion date of the IWW deepening project). Throughout 2016, FIND continued to contact ATT for status updates about the cable relocation.

ADMINISTRATIVE OFFICE ON THE INTRACOASTAL WATERWAY IN PALM BEACH COUNTY  
1314 MARCINSKI ROAD, JUPITER, FLORIDA 33477-9427 TELEPHONE 561-627-3386 FAX No. 561-624-6480  
[www.aicw.org](http://www.aicw.org)



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COMMISSION CLERK

In November 2016, the USACE issued a permit to ATT for the relocation. Expecting receipt of the FDEP permit, ATT scheduled the cable relocation pre-bid meeting for November 17, notice of award by November 28, notice to proceed by December 19, cable relocation by January 30, and abandonment of existing cables by March 30. However, the ATT project did not proceed on schedule.

In February 2017, ATT notified FIND that a larger manhole was necessary to encompass the new subaqueous ducts. In March-April 2017, ATT notified FIND that the cable relocation required new permits or modification of existing permits from the City of Ft. Lauderdale, Broward County, DOA, and FDOT. By May 2017, ATT had received the DOA and FDOT permits. ATT received the City of Ft. Lauderdale and Broward County permits in August 2017. With all permits received, ATT scheduled a pre-construction meeting for January 2018. However, shortly after this meeting, ATT was notified by the City of Ft. Lauderdale that the construction of the adjacent parking garage could not accommodate ATT's request to drill from within the garage footprint. Other areas could accommodate the ATT project with less constructability issues, however use of those areas necessitated modification of ATT's permits. Between January and August 2018, ATT attempted to work with the City of Ft. Lauderdale to revise its permits and only when it was deemed infeasible (in terms of the permit acquisition and timing of the parking garage construction), ATT revised its schedule as follows (per August 23 and October 15 email correspondence [copied below] from Jonathan Ellzey, ATT Area Manager OSP Ping & Eng Design):

**August 23, 2018.** *The AT&T design for Phase 1 of this project, which requires us to place 9-4" ducts from the 4-lid manhole east of the parking garage at Birch Road, south to a manhole on the opposite side of Las Olas Blvd. will take approximately 3 weeks to complete. Barring no further changes to design or unforeseen roadblocks, the designs should be completed and submitted with all permit applications to the City by end of day September 14.*

*Regarding the request for a schedule of events for permits, AT&T can only provide anticipated dates we will submit the permit request. The actual approval of permits is controlled and determined by the City of Fort Lauderdale permit process. While Tom Green of the City of Fort Lauderdale stated at the meeting that they will do everything possible to approve the permits quickly, AT&T cannot forecast or anticipate what that date will be.*

*Barring no unforeseen roadblocks in the field, and we receive all required approvals on permits no later than 10/15/2018, our plans are to complete all work described in Phase 1, including having to enlarge the MH on south side of Las Olas Blvd to accept the new duct terminations, by the end of this year.*

**October 15, 2018.** *As described below, Phase 1 of our work includes placing 9-4" ducts from our 4 lid MH on the property of the newly constructed parking garage (east of the intercoastal on the north side of Las Olas Blvd) south under Las Olas Blvd to Las Olas Cir (shown in red below). We have the permit for this work and are currently bidding this job out to our approved vendors. We plan on completing this phase before the end of Nov 2018. While this is being worked, we are engineering our new route on the south side of the Las Olas Bridge shown in blue below. We will need to modify the location of our existing submerged land easement with the FDEP to the south side of the bridge. We will call this Phase 2 of our work. Phase 3 below is shown in purple where we need to place ducts to tie back into our existing conduit run on the west side of the bridge. The designs for Phase 2 & Phase 3 are being worked on concurrently now and plans for permit submittal are planned before the 1<sup>st</sup> of next year. The 4<sup>th</sup> and final phase of work will be our cable placement and cutover.*

As indicated and summarized above, it appears that permitting remains an ongoing issue and construction is not expected until 2019. This three-year delay has and will result in unnecessary additional cost to FIND (and the Florida taxpayers) for remobilization of a dredge to the area for project completion. In addition, the full benefits of the project cannot be fully realized until this work is completed, and it is imperative that this project be fully completed immediately.

FIND respectfully requests that the Commission, in its supervisory role over Florida's regulated utilities, review and consider this situation, and encourage ATT (and its permitting agents) to relocate its subaqueous utility line in a timely and effective manner.

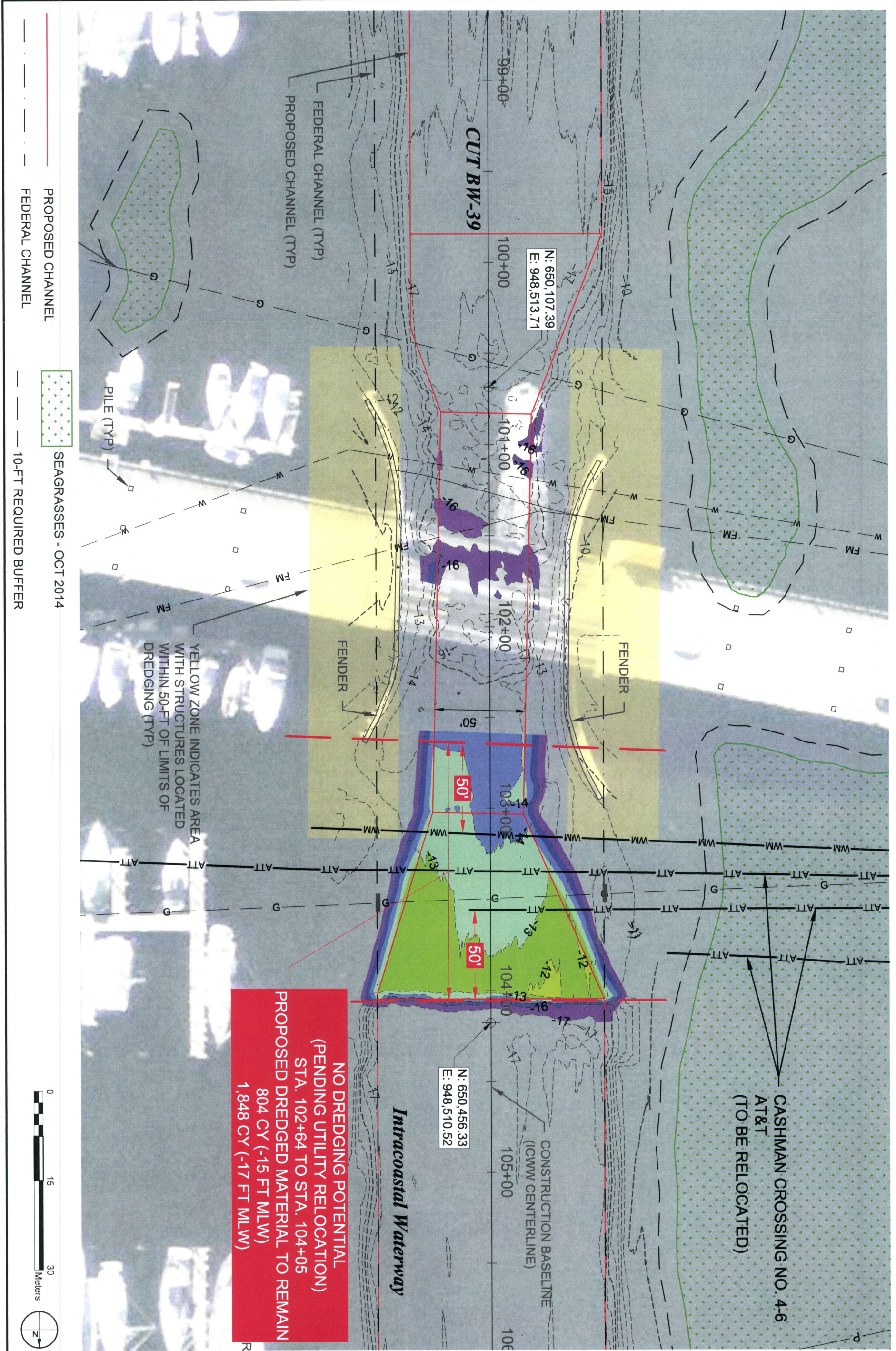
Thank you for your time and consideration in this important matter. Please contact me if you have any questions or require additional information.

Sincerely,



Mark Crosley  
Executive Director

c.c. Bertha Henry – Broward County Manager  
Lee Feldman – Fort Lauderdale City Manager  
Phil Purcell – President/CEO MIA SF  
Shelly Trulock – IWW Project Manager, USACE



PROPOSED CHANNEL  
 FEDERAL CHANNEL  
 SEAGRASSES - OCT 2014  
 10-FT REQUIRED BUFFER

YELLOW ZONE INDICATES AREA WITH STRUCTURES LOCATED WITHIN 50-FT OF LIMITS OF DREDGING (TYP)

**NO DREDGING POTENTIAL (PENDING UTILITY RELOCATION)**  
 STA. 102+64 TO STA. 104+05  
 804 CY (-15 FT MLW)  
 1,848 CY (-17 FT MLW)

CASHMAN CROSSING NO. 4-6  
 AT&T  
 (TO BE RELOCATED)

