

ORIGINAL

Matilda Sanders

From: Nanci\_Nesmith@fpl.com  
 Sent: Tuesday, October 03, 2006 3:24 PM  
 To: Filings@psc.state.fl.us  
 Cc: Wade\_Litchfield@fpl.com; Natalie\_Smith@fpl.com; Bob\_Valdez@fpl.com; Lynne\_Adams@fpl.com; Jamie\_Patterson@fpl.com; Larry Harris; Bill\_Feaster@fpl.com  
 Subject: Electronic Filing for Docket No. 060172-EU/060173-EU - FPL's, Progress Energy's, TECO's and Gulf Power's Revised Exhibit A to the Joint Reply Comments

Attachments: Revised Exhibit A.doc



Revised Exhibit A.doc (79)

Electronic Filing

a. Person responsible for this electronic filing:

Natalie F. Smith, Principal Attorney  
 Florida Power & Light Company  
 700 Universe Blvd.  
 Juno Beach, FL 33408  
 (561) 691-7207  
 natalie\_smith@fpl.com

b. Docket No. 060172-EU - Proposed Rules Governing Placement of New Electric Distribution Facilities Underground, and Conversion of Existing Overhead Distribution Facilities to Underground Facilities, to Address Effects of Extreme Weather Events  
 and

Docket No. 060173-EU - Proposed Amendments to Rules Regarding Overhead Electric Facilities to Allow More Stringent Construction Standards than Required by National Electric Safety Code

c. Document being filed on behalf of Florida Power & Light Company, Progress Energy Florida, Tampa Electric Company and Gulf Power Company.

d. There are a total of 9 pages.

e. The document attached for electronic filing is FPL's, Progress Energy's, TECO's and Gulf Power's Revised Exhibit A to the Joint Reply Comments filed October 2, 2006.

(See attached file: Revised Exhibit A.doc)

Thank you for your attention and cooperation to this request.

Nanci NeSmith  
 Florida Power & Light  
 850-521-3900

CMP \_\_\_\_\_  
 COM 5  
 CTR \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL \_\_\_\_\_  
 OPC \_\_\_\_\_  
 RCA \_\_\_\_\_  
 SCR \_\_\_\_\_  
 SGA \_\_\_\_\_  
 SEC 1  
 OTH Kum P.

DOCUMENT NUMBER-DATE

09136 OCT-3 8

FPSC-COMMISSION CLERK

Natalie F. Smith  
Principal Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 691-7207  
(561) 691-7135 (Facsimile)

October 3, 2006

ORIGINAL

**BY ELECTRONIC MAIL**

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: **Docket No. 060172-EU** - Proposed rules governing placement of new electric distribution facilities underground, and conversion of existing overhead distribution facilities to underground facilities, to address effects of extreme weather events

**Docket No. 060173-EU** - Proposed amendments to rules regarding overhead electric facilities to allow more stringent construction standards than required by national Electric Safety Code

Dear Ms. Bayo:

Please accept for filing in the above-referenced dockets Revised Exhibit A to the Joint Post-Hearing Comments of Florida Power and Light Company, Progress Energy Florida, Tampa Electric Company and Gulf Power Company filed October 2, 2006 ("Joint Post-Hearing Comments"). Exhibit A to the Joint Post-Hearing Comments has been revised to reflect the suggested revisions to the Proposed Rules in legislative format instead of track changes format. Revised Exhibit A should replace the version of Exhibit A filed with the October 2, 2006 Joint Reply Comments.

Thank you for your assistance in connection with this matter.

Sincerely,

s/Natalie F. Smith

Natalie F. Smith

NFS:jp

Attachments as indicated

cc: All Parties of Record (w/enclosures)

DOCUMENT NUMBER-DATE

09136 OCT-3 8

FPSC-COMMISSION CLERK

Revised  
EXHIBIT A

\*Note: IOU Suggested Revisions in Italics. Additions in Bold and Italics\*

THE FULL TEXT OF THESE PROPOSED RULES ARE:

PART III

GENERAL MANAGEMENT REQUIREMENTS

25-6.034 Standard of Construction.

(1) Application and Scope. This rule ~~is intended to define~~ **governs** construction standards **and guidelines** for all overhead and underground electrical transmission and distribution facilities to ensure the provision of adequate and reliable electric service for operational as well as emergency purposes. This rule applies to all investor-owned electric utilities.

(2) Each utility shall ~~establish~~ **prepare and file with this Commission,** no later than 180 days after the effective date of this rule, **for Commission review and approval guidelines for developing** construction standards ~~for overhead and underground electrical transmission and distribution facilities that conform to the provisions~~ **that implement subsections (5) and (6)** of this rule. **Each utility's guidelines shall contain a detailed description of how the utility's construction standards will implement subsections (5) and (6) of this rule with respect to its distribution infrastructure and explain the systematic approach the utility will follow to achieve the desired objectives of enhancing reliability and reducing restoration costs and outage times consistent with subsections (5) and (6). Following the effective date of this rule, to the extent the utility implements storm hardening-related construction standards that exceed the minimum requirements of the applicable edition of the National Electrical Safety Code (NESC) but that do not relate to the requirements of subsections (5) and (6) of this rule, the utility shall submit guidelines governing such construction standards in accordance with this rule, and such guidelines and construction standards shall comply with and be subject to**

Revised  
EXHIBIT A

the provisions of this rule.

(a) Each utility's construction standards shall implement and be consistent with the construction guidelines approved by the Commission for that utility. Each utility shall maintain a copy of its construction guidelines, as well as its construction standards, at its main corporate headquarters and at each district office. Any third-party attacher or joint user that wishes to receive notice of updates, changes, or modifications of construction standards or attachment standards that relate to the construction guidelines filed and approved in connection with this rule shall register with the utility(ies) from which it seeks notice and shall provide, and update as appropriate, contact information for the person who should receive such notice.

(b) Subject to any necessary confidentiality protections, upon reasonable notice, the utility shall provide a copy of those portions of its construction standards that implement the utility's construction guidelines to a third-party attacher or joint user.

(c) Subsequent updates, changes, and modifications to the utility's construction standards shall be labeled to indicate the effective date of the new version and all revisions from the prior version shall be identified. Before any update, change or modification of a utility's existing construction standards that relates to the utility's construction guidelines is implemented subsequent to the effective date of this rule, notice and a copy of the update, change, or modification must be given to any third-party attachers or joint users that have registered to receive notice in accordance with subsection (2) of this rule, subject to any necessary confidentiality protection. The update, change or modification of the existing construction standards shall become effective unless a dispute or challenge is filed with the Commission pursuant to subsection (7) of this rule within 60 days of the date of such notice.

(d) Upon request, the utility shall provide access, within 2 working days, to a copy of

**Revised  
EXHIBIT A**

its construction standards for review by Commission staff at the utility's offices in Tallahassee.

(3) The facilities of each utility shall be constructed, installed, maintained and operated in accordance with generally accepted engineering practices to assure, as far as is reasonably possible, continuity of service and uniformity in the quality of service furnished.

(4) Each utility shall, at a minimum, comply with the applicable edition of the National Electrical Safety Code (ANSI C-2) [NESC].

(a) The Commission adopts and incorporates by reference the 2007~~2~~ edition of the NESC, published ~~August 1, 2001~~ ~~XXXXXXXXXX~~. A copy of the 2007~~2~~ NESC, ISBN number ~~0-7381-2778-7~~ ~~XXXXXXXXXX~~, may be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE).

(b) Electrical facilities constructed prior to the effective date of the 2007~~2~~ edition of the NESC shall be governed by the applicable edition of the NESC in effect at the time of the initial construction.

(5) For the construction distribution facilities, each utility's construction standards shall, to the extent reasonably practical, feasible, and cost-effective, be guided by the extreme wind loading standards specified by Figure 250-2(d) of the 2007~~2~~ edition of the NESC. As part of its construction standards, each utility shall establish guidelines and procedures governing the applicability and use of the extreme wind loading standards to enhance reliability and reduce restoration costs and outage times for each of the following types of construction:

(a) new construction;

(b) major planned work, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule; and

(c) targeted critical infrastructure facilities and major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations.

**Revised  
EXHIBIT A**

(6) For the construction of underground distribution facilities and their supporting overhead facilities, each utility shall, to the extent reasonably practical, feasible, and cost-effective, establish guidelines and procedures to deter damage resulting from flooding and storm surges.

(7) In establishing the construction standards associated with the implementation of the utility's construction guidelines, the utility shall seek and evaluate for incorporation meaningful input from other entities with existing agreements to share the use of its electric facilities. Any dispute or challenge related to a utility's construction standards by a customer, applicant for service, or attaching entity shall be resolved by the Commission. If a dispute or challenge is filed with the Commission, the disputed or challenged standard shall not become effective until the dispute or challenge is resolved by the Commission. The Commission shall resolve any dispute or challenge by final agency action within 120 days. Any failure to resolve the dispute within 120 days shall be deemed a denial of the dispute or challenge.

Specific Authority 350.127(2), 366.05(1) FS.

Law Implemented 366.04(2)(c)(f), (5)(6), 366.05(1)(7)(8) FS.

History—Amended 7-29-69, 12-20-82, Formerly 25-6.34, Amended.

25-6.0341 Location of the Utility's Electric Distribution Facilities. In order to facilitate safe and efficient access for installation and maintenance, to the extent practical, feasible, and cost-effective, electric distribution facilities shall be placed adjacent to a public road, normally in front of the customer's premises.

(1) For initial installation, expansion, rebuild, or relocation of overhead facilities, utilities shall use easements, public streets, roads and highways along which the utility has the legal right to occupy, and public lands and private property across which rights-of-way and easements have been provided by the applicant for service.

Revised  
EXHIBIT A

(2) For initial installation, expansion, rebuild, or relocation of underground facilities, the utility shall require the applicant for service to provide easements along the front edge of the property, unless the utility determines there is an operational, economic, or reliability benefit to use another location.

(3) For conversions of existing overhead facilities to underground facilities, the utility shall, if the applicant for service is a local government that provides all necessary permits and meets the utility's legal, financial, and operational requirements, place facilities in road rights-of-way in lieu of requiring easements.

(4) Where the expansion, rebuild, or relocation of electric distribution facilities affects existing third-party attachments or joint users and will result in moving electric distribution facilities to the front edge of the property, the electric utility shall seek and evaluate for incorporation input from affected third-party attachers and/or joint users, including consideration of cost impacts on such attachers or joint users, and, shall, to the extent practical, coordinate the construction of its facilities with the third-party attachers and/or joint users.

Specific Authority 350.127(2), 366.05(1) FS.

Law Implemented 366.04(2)(c), (5), (6), 366.05(1)(8) FS.

History— New.

25-6.0342 Third-Party Attachment Standards and Procedures.

(1) Third-party attachments shall be included within the scope of the construction guidelines required under Rule 25-6.034 and each utility's third-party Attachment Standards and Procedures shall implement and be consistent with the construction guidelines reviewed and approved by the Commission for that utility. As part of its construction standards adopted pursuant to Rule 25-6.034, F.A.C., and after evaluating for incorporation the input from third-

Revised  
EXHIBIT A

party attachers and joint users set forth in that Rule, each utility shall establish and maintain written safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles (Attachment Standards and Procedures). The Attachment Standards and Procedures shall meet or exceed the applicable edition of the National Electrical Safety Code (ANSI C-2) pursuant to subsection 25-6.034(4) and other applicable standards imposed by state and federal law so as to assure, as far as is reasonably possible, that third-party facilities attached to electric transmission and distribution poles do not impair electric safety, adequacy, or reliability; do not exceed pole loading capacity; and are constructed, installed, maintained, and operated in accordance with generally accepted engineering practices for the utility's service territory.

(a) Before any Attachment Standard or Procedure that relates to the utility's construction guidelines is implemented subsequent to the effective date of this rule, notice and a copy of the Attachment Standard or Procedure must be given to any attachers and joint users that have registered with the utility to receive notice in accordance with subsection 25-6.034(2), subject to any necessary confidentiality protection. The Attachment Standard or Procedure shall become effective unless a dispute or challenge is filed with the Commission pursuant to subsection (1)(b) of this rule within 60 days of the date of such notice. Any failure to resolve the dispute or challenge within 120 days shall be deemed a denial of the dispute or challenge.

(b) Any dispute or challenge arising from the implementation of this rule shall be resolved by the Commission. If a dispute or challenge is filed pursuant to this rule, the attachment standard shall not become effective until the Commission has resolved the dispute or challenge. The Commission shall resolve any dispute or challenge by final agency action within 120 days.



**Revised  
EXHIBIT A**

(2) No attachment to a utility's electric transmission or distribution poles shall be made except in compliance with such utility's Attachment Standards and Procedures implemented in accordance with this Rule.

~~(3) In establishing the Attachment Standards and Procedures, the utility shall seek input from other entities with existing agreements to share the use of its electric facilities. Any dispute arising from the implementation of this rule shall be resolved by the Commission.~~

Specific Authority 350.127(2), 366.05(1) FS.

Law Implemented 366.04(2)(c), (5), (6), 366.05(1)(8) FS.

History New.

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(1) In compliance with Section 366.04(6)(b), F.S., 1991, the Commission adopts and incorporates by reference the 2007 ~~2~~ edition of the National Electrical Safety Code (ANSI C-2), published ~~August 1, 2001~~ XXXXXXXX, as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. Each investor-owned electric utility, rural electric cooperative, and municipal electric system shall, at a minimum, comply with the standards in these provisions. Standards contained in the 2007 [2] edition shall be applicable to new construction for which a work order number is assigned on or after the effective date of this rule.

*The IOUs have no suggested revisions to sections (2) through (7) of the proposed rule.*

**PART IV**

**GENERAL SERVICE PROVISIONS**

25-6.064 Contribution-in-Aid-of-Construction for Installation of New or Upgraded Facilities.

**Revised  
EXHIBIT A**

*The IOUs have no suggested revisions to this proposed rule.*

**PART V**

**RULES FOR RESIDENTIAL ELECTRIC UNDERGROUND EXTENSIONS**

25-6.078 Schedule of Charges.

*The IOUs have no suggested revisions to this proposed rule.*

**PART VII**

**UNDERGROUND ELECTRIC DISTRIBUTION FACILITY CHARGES**

25-6.115 Facility Charges for Conversion of Existing Overhead Investor-owned  
Distribution Facilities.

*The IOUs have no suggested revisions to this proposed rule.*