

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

DISTRIBUTION CENTER
06 DEC 21 AM 7:22

In re: Requirement for investor-owned electric
Utilities to file ongoing storm preparedness
plans and implementation cost estimates.

DOCKET NO. 060198-EI
SERVED: 12/18/06
FLORIDA BAR NO.: 0173071

COMMISSION
CLERK

06 DEC 21 AM 9:24

RECEIVED-FPSC


**PETITIONER CITY OF NORTH MIAMI'S NOTICE OF
FILING ANSWERS TO FPL's INTERROGATORIES**

Defendant, City of North Miami (City), a Florida municipal corporation, by and through its undersigned counsel, files its Answers to Plaintiffs' Interrogatories with the Florida Public Service Commission and submits that the original of its answers to Interrogatories propounded by FPL on November 28, 2006.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. Mail and electronic mail on this 18th day of December, 2006 to: John T. Butler, Esq., FPL, 700 Universe Blvd., Juno Beach, Florida 33408-0420 and to Rosanne Gervasi, Esq., Office of the General Counsel, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Respectfully submitted,

OFFICE OF THE CITY
ATTORNEY
V. Lynn Whitfield
CITY OF NORTH MIAMI
776 N.E. 125th Street
North Miami, FL 33161
Telephone: (305) 895-9810

By 
Maria E. Antonatos
ASSISTANT CITY ATTORNEY
FLORIDA BAR NO. 0173071

- CMP _____
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DEFENDANT, CITY OF NORTH MIAMI'S
ANSWERS TO PLAINTIFFS' INTERROGATORIES

1. North Miami Code of Ordinances Chapter 20 entitled "Vegetation," Articles I (Sections 20-1 through 20-14) and II (Sections 20-15 through 20-28). North Miami Ordinance 926 and several resolutions. Miami-Dade County Code of Ordinances, which adopts the ANSI A300 standards, Chapter 18A-3 (formerly Section 24-27 "Definitions") and Chapter 18A-5 thru 18A-15 (formerly M-D Section 24-60, *et seq.*).
2. Please refer to 1997 report prepared by Consultant Earth Advisors, Inc. Until the ACRT computer database/Tree Manager System, which has crashed, begins working again the City does not have more recent information to produce. At a future date, therefore, the City can produce reports through our Tree Manager System.
3. The City is unable to produce this information at this time. However, the City maintains most trees in the medians, swales, and on City property; FPL maintains the trees that the City has identified as being in the swales, medians, and on City property that are in conflict with FPL distribution lines and, in very few instances, in conflict with FPL transmission lines.
4. The City trims everything on a routine basis of once every three (3) years. Hurricanes are a variable. The City does respond differently for some species, especially ficus- which is an extremely fast-growing tree-, and Palm Trees which grow straight up, and again, different species of Palm Trees have different characteristics. A more exact response cannot be provided at this time.
5. Approximately Three Hundred Fifty Thousand Dollars (\$350,000.00) a year to pay City crews. Three Hundred Forty-Nine Thousand Three Hundred Ten Dollars (\$349,310.00) is the operational budget to maintain trees on City property including trees in swales, parkways, medians, monuments, and canal ends and to pay six (6) full-time employees. This budget figure does not include the One Hundred Thousand Dollars (\$100,000.00) paid to an outside maintenance company in this fiscal year. And Equipment is a Supplemental Request for capital expenditure.
6. The number of years- 16- that North Miami has been "registered" with Tree City USA is available online at www.arborday.org.
7. No.
8. No.

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9. Yes, but only to the extent that we removed damaged trees and limbs or identified corrective pruning. There are no documents reflecting such analysis.
10. No.
11. None documented but I am aware that complaining telephone calls come into various parts of the City whenever FPL crews work in the City complaining about what residents contend is excessive trimming.
12. Table 1 on Page 4 of the Notice of Proposed Agency Action Order on Investor-Owned Electric Utility Storm Preparedness Plans; ORDER NO. PSC-06-0781-PAA-EI.
13. Based upon my own nine (9) years as an Arborist, and dealing with hurricane recovery, I believe that FPL's alternative plan to trim trees every six (6) years would be worse overall than following the three (3) year tree trimming standard. Allowing trees to grow untrimmed would hamper storm recovery *and* tree health would be damaged because of the extreme trimming which would be necessary.
14. Yes, the City supports this but the City cannot enforce because it involves trees owned on private property by City residents.
15. City would not agree to pay the difference in cost for FPL to trim trees more frequently in South Florida than in North Florida. This is a cost of doing business that FPL should bear.
16.
 - a. Approximately 15,000.
 - b. Undetermined.
 - c. Black Olive trees.
 - d. Refer to 16.c above.
 - e. Yes. The City follows the guidelines.
 - f. City does not control what residents plant on their private property.
 - g. No removal policy is in place.

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- h. No.
 - i. No.
 - j. No.
17. Yes, the City hired Earth Advisors, Inc. in 1997. The factors considered by the Consultant at that time were many and are listed in order of priority on pages 9-10 of the January 28, 1997 Urban Forest Management Plan and Tree Inventory Report. For example, dead plant material and stumps are factors.
18. Mr. Miller's statement on Page 12, Line 12 refers to an assumption that FPL has conducted either an analysis, study or survey in support of its decision to move to a 6-year cycle.
19. There are no documents but residents have consistently called the City to complain of FPL "butchering" their trees.
- 20.
- a. Where "tree abuse" is "structural failure" of a tree, the City does not maintain such data in its ACRT database.
 - b. Refer to 20.a above.
 - c. None.
 - d. OBJECTION, not particularized enough. Without waiving the objection, none.
- 21.
- a. City has not kept track of same as relates to public right-of-ways and private property in the past three (3) years due to the unusually active hurricane seasons during 2003- 2005 from which the City is still trying to recover from the damage. Furthermore, with the City's diligence and the willingness of FPL's contractor to work with us violations of best management practice have been kept to a minimum without the need for documentation.
 - b. City does not keep track.
 - c. City does not keep track although we have seen many examples of trees trimmed in violation of best management practices.
 - d. City has no such documentation. However, I am aware firsthand that FPL has trimmed too much foliage from a tree because I've observed it when FPL or its

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contractor does so, and afterwards. Best management practice dictates that you never cut off a limb greater than 30% of the limb it is being cut from.

22. I recall an incident after Hurricane Wilma at NE 135th Street where a tree fell over after FPL had, a couple of years before Wilma, removed half the side of the tree.
23. Our basis is based on articles, networking, and mostly the International Society of Arboriculture (ISA) literature.
24. This can be found in International Society of Arboriculture (ISA) literature.
25. Typically on a three year cycle, at least 30% of tree foliage is removed. On a 6-year cycle more than this would need to be removed, and in violation of Ordinance and best management practices.
26. This was reviewed by the City Attorney's Office.
27. City Attorney's Office.
28. No
29. We encourage residents to request permission to have us select tree species for the location. Many times an invasive or wrong species has been selected for a location and the City has removed it.
30. No rules and/or policies are referenced in the City's response to 29 above because the City does not have any such rules or policies but the City encourages right tree, right location policy. On one occasion a resident planted a Royal Poinciana next to a utility pole. Because the Parks & Recreation Department does not control what is installed in the swale it requested the Public Works Department to assist. Several letters were sent to the residence but no response was received from the resident. Public Works Department and Parks & Recreation Department removed the tree.
31. This is unknown at this time.

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32. September 12, 2006- City passed Resolution opposing FPL's 6-year trimming cycle proposed; September 26, 2006- City Council voted to proceed with Petition to PSC opposing 6-year cycle. Minutes available for review.

33. September 26, 2006- See answer to 32 above.

AFFIDAVIT

I HEREBY CERTIFY that I am an authorized representative of the City of North Miami
_____, and that the answers to these Interrogatories are true and correct.

By: _____

Title: _____

Keith B. Miller
PARKS SUPERINTENDENT

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this 7th day of December, 2006, before me,
an officer duly authorized in the State and County aforesaid to take acknowledgements,
personally appeared Keith B. Miller, who is personally known to
me or who did take an oath, and he/she acknowledged before me that he/she executed the
foregoing answers to interrogatories as his/her free act and deed, that the statements
contained therein are true and correct, and that said answers are given under oath.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the County
and State aforesaid as of this 7th day of December, 2006.

Notary Public, State of Florida

Carole Eugene



Carole S. Eugene

My Commission DD174842

Expires January 03, 2007

AFFIDAVIT

I HEREBY CERTIFY that I am an authorized representative of the City of North Miami
_____, and that the answers to these Interrogatories are true and correct.

By: Terry R. Lytle
Title: Parks & Recreation Director

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this 8th day of December, 2006, before me,
an officer duly authorized in the State and County aforesaid to take acknowledgements,
personally appeared Terry R. Lytle, who is personally known to
me or who did take an oath, and he acknowledged before me that he sponsored the
Interrogatory Numbers 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 20-33 as his free act
and deed, that the statements contained therein are true and correct, and that said answers
are sworn under oath.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the County
and State aforesaid as of this 8th day of December, 2006.

Notary Public, State of Florida

Carole Eugene



Carole S. Eugene
My Commission DD174842
Expires January 03, 2007