

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

The City of North Miami, a municipal corporation, Petitioner.

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

DOCKET NO. 060198-EI
FLORIDA BAR NO. 0173071
FILED: January 16, 2007

CITY OF NORTH MIAMI'S NOTICE OF FILING
KEITH MILLER RESPONSE TO FPL REBUTTAL TESTIMONY

Petitioner, the City of North Miami ("the City"), a Florida municipal corporation, by and through its undersigned counsel, files this Notice of Filing Prefiled Testimony the City intends to sponsor.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. Mail and electronic mail on this 16th day of January, 2007 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.

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FLORIDA BAR NO.: 0173071

DOCUMENT NUMBER-DATE

00447 JAN 16 8

FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION
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IN RE: REQUIREMENT FOR INVESTOR-OWNED
ELECTRIC UTILITIES TO FILE ONGOING
STORM PREPAREDNESS PLANS AND
IMPLEMENTATION COST ESTIMATES.

OFFICE OF PARKS AND RECREATION
810 Northeast 125th Street
Miami, Florida 33161
Thursday, January 11, 2007
11:10 a.m.

SWORN STATEMENT OF: KEITH MILLER

Taken before Linda Jackson Roundtree, Notary Public
for the State of Florida at Large, pursuant to Notice filed
in the above-styled cause.

DOCUMENT NUMBER-DATE

00447 JAN 16 5

LINDA JACKSON ROUNDTREE COURT REPORTING

FPSC-COMMISSION CLERK

APPEARANCES:

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By: MARIA ANTONATOS, ESQ.
ASSISTANT CITY ATTORNEY
810 Northeast 125th Street
North Miami, FL 33161
On behalf of the City of North Miami.

I N D E X

Witness

Page

KEITH MILLER

Direct Examination by Ms. Antonatos

3

1 Thereupon:

2 KEITH MILLER

3 was called as a witness and, after having been first duly sworn,
4 was examined and testified on his oath as follows:

5 DIRECT EXAMINATION

6 BY MS. ANTONATOS:

7 Q Good morning.

8 A Good morning.

9 Q Please, let the record reflect we re here on Public
10 Service Commission Docket Number 06-0198 EI.

11 State your name and position with the City of North
12 Miami for the record.

13 A Keith Miller, Park Superintendent.

14 Q And for how long have you been park superintendent?

15 A I was recently promoted to park superintendent from
16 park supervisor, having been with the City for nearly 20 years.

17 Q Thank you.

18 And do you have a degree from the University of
19 Florida?

20 A I don t have a degree from the University of Florida,
21 but I ve had extensive studies through the University of
22 Florida.

23 I have a degree in horticulture.

24 Q And where is your degree in horticulture from?

25 A Miami-Dade.

26 Q And are you also an arborist?

27 A I am not an ISA certified arborist, but I ve been in
28 the tree trimming/horticultural business for 30 years.

1 Q Are you the same Keith Miller who previously gave
2 testimony on November 7, 2006, in the City Attorney s Office?

3 A State Attorney s Office?

4 Q No, City.

5 A Yes.

6 Q What is the purpose of your rebuttal testimony today?

7 A To refute and give rebuttal to some of the testimony
8 that I ve read.

9 Q Would that be testimony of Miranda, Slaymaker and
10 Harris?

11 A That s correct.

12 Q Let s start with Miranda. Have you had the
13 opportunity to review the prepared direct testimony and exhibits
14 of Manuel B. Miranda?

15 A Yes.

16 Q I d like to refer you to page 10 and 11 of Miranda s
17 testimony. On page 10 and 11 of Miranda s testimony, he
18 discusses what would be needed to support the 3-year option or a
19 tree trimming proposal.

20 Do you have an opinion on this?

21 A I m a proponent of the three-year tree trimming cycle.

22 Q As you review his testimony, did you see that he has
23 placed any emphasis on execution risks and hard costs?

24 A I did.

25 Q And what is your opinion of those perceived barriers?

26 A Well, if you re referring to his contention that there
27 would be greater overtime costs and more expenses and start-up,
28 I would need more evidence of his supporting that contention,

1 you know.

2 I would feel that regular cycled tree trimming would
3 not require overtime, and that currently, they re trimming the
4 same number of trees in North Miami as they would be in the
5 future. And they do that during regular working hours.

6 So, I don t understand why there would be overtime
7 costs.

8 Also, the start-up for new business, I guess, is what
9 he s referring to. And I would -- I have a problem
10 understanding what he means by start-up, when there s available
11 tree trimming services all over the country, many of which don t
12 do tree trimming in the winter, in the northern parts of the
13 country.

14 Being South Florida is in a tropical environment, the
15 U. S. Department of Agriculture has planted hardiness zones, and
16 we reside in Zone 11, which in the scales of the USDA
17 temperatures rarely fall below 40 years, which relates to the
18 fact that trees in South Florida, especially North Miami, grow
19 all year round.

20 Q Look at page 11 where Miranda discusses the need to
21 resolve community and customer barriers.

22 Are you aware of any community and customer
23 barriers --

24 A No.

25 Q -- to having a fixed hard cycle of lateral trimming in
26 the City of North Miami?

27 A No, I m not aware of any barriers.

28 Q And you mentioned that you are not sure what Miranda

1 means by start-up costs or cost. I'd like to direct your
2 attention to FPL's response to staff's -- meaning staff at the
3 Florida Public Service Commission -- first set of
4 Interrogatories. In response to one of staff's interrogatories,
5 which I have here, FPL provided a definition for premium costs.

6 Q Could you please take a look at it?

7 A Okay. I read it.

8 Q Now, going back to the mention Miranda makes of
9 premium start-up costs, I see that in several places on page 13
10 of his testimony. Could you please refer to page 13 of
11 Miranda's testimony, which I have right here.

12 Q Looking at the top of page 13 of Miranda's testimony,
13 are you under the impression that FPL -- If FPL goes to a
14 three-year /six-year cycle, as it is proposing, are you under
15 the impression that it would do so quickly or gradually?

16 A Gradually. Well, he's stating that this won't be
17 implemented until 2013.

18 Q So, that sounds fairly gradual; right?

19 A Yeah, if at all, until 2013.

20 Q Okay. Is he also stating that this is a way of
21 controlling costs, specifically those premium start-up costs?

22 A Absolutely.

23 Q Okay.

24 Q Now, I think you indicated a few moments ago that with
25 a hard cycle, you didn't foresee a lot of overtime; is that
26 correct?

27 A That's correct.

28 Q And as far as any contractor premium start-up costs,

1 do you think that in the long term, that cost would be worth it?

2 A Which? Which cost?

3 Q Contractor premium start-up costs that FPL is trying
4 to diminish.

5 A Do I think it would be a benefit to them to employ
6 new contractors?

7 I m not sure I understand the question.

8 Q Yes. I think that by contractors, they mean tree
9 trimmers.

10 Do you think that over the long term for FPL to hire
11 or employ more tree trimmers is a cost that would make sense in
12 the long term?

13 A Well, probably not. I mean, if they intend on tree
14 trimming for line clearance and perpetuity, then they would have
15 to do that alternatively, if they were to use the right tree
16 right place mitigation that they have mentioned, or they trimmed
17 trees for structural integrity, eventually these two would lead
18 to minimum amount of trimming, and, therefore, it would not need
19 what it is they re proposing, that they would need if they don t
20 go to the three-year/six-year trimming cycle.

21 Q Are there situations where FPL utility wires go
22 through a tree?

23 A Yes.

24 Q Is there a way to directionally prune that tree so
25 the branches grow around the power line, so as to have no
26 conflict?

27 A Yes.

28 Q And is it better to put a tree like that, or any

1 tree, for that matter, on a fixed tree trimming cycle so that
2 after a period of, perhaps, ten years, it won t have to be
3 trimmed any more?

4 A That would be the primary goal of structural pruning
5 on trees in conflict with wires.

6 Q So, in terms of costs, do you believe that premium
7 start-up costs that FPL s Miranda is discussing on page 13 are
8 huge barriers to moving to a three-year/three-year cycle?

9 A I hate to say, but I m not sure I understand the
10 question. Could you repeat that?

11 Q Well, let me see if I can rephrase my question.

12 Going back to page 12, there s a chart on the bottom
13 of page 12. Underneath the chart discusses a substantial
14 increase in tree trimming expenditures for the years to come.
15 And this is in context of the proposed three-year/three-year
16 alternative.

17 Actually Miranda has expressed a concern with the
18 premium start-up costs. Are you equally concerned with the
19 premium start-up costs?

20 A No.

21 Q Now, I d like to refer to, once again, page 13 of
22 Miranda s testimony, which is the summary. And there are
23 several bullets there in which he discusses the best balance
24 between cost and benefits.

25 Could you please discuss each of those items as you
26 understand them?

27 A Well, okay. The first bullet discussed or claims
28 that there is a lower density of customers on lateral circuits

1 than feeder circuits. And he qualifies that by saying it s on a
2 per mile basis.

3 I would have a problem with that because my
4 interpretation of lateral lines are the lines that service
5 residential areas and businesses. And feeder lines are
6 transmission lines that feed the substations, which feeds the
7 laterals. So, I would think that there would be more density on
8 lateral circuits, lateral lines, lines that run through the
9 alleys, through people s backyards, through the City swales, as
10 opposed to the high tension wires that run higher up on the
11 poles.

12 Q That s a good point because page 4 of Miranda s
13 testimony does attempt to find FPL s laterals. Will you refer
14 to that before you turn back to page 13?

15 Okay. Now, looking at page 4 of Miranda s
16 testimony --

17 A FPL s --

18 Q Let me ask the question first.

19 What is your understanding of Miranda s understanding
20 of FPL s laterals?

21 A He s giving the example that laterals are fused
22 circuits that run off the feeder lines.

23 Q Do you agree with that?

24 A Yeah. That s my interpretation of a lateral?

25 Q Now, going back to page 13, would you discuss the next
26 bullet, which mentions overtime and contractor premium costs.

27 A Well, he s claiming that there was going to be a
28 gradual increase in overtime and contract premium start-up

1 costs.

2 Q You already said you don t agree with that; correct?

3 A Correct.

4 Q And what is his next point?

5 A He is substantiating that the proposal for the
6 three-year/six-year cycle will avoid execution risks that would
7 be associated with the three-year/three-year option.

8 Q Do you foresee execution risks as a big impediment to
9 the three-year/three-year cycle?

10 A No.

11 Q His next point is in support of a three-year/six-year
12 proposal, in lieu of a three-year/three-year proposal, because
13 he says a three-year/six-year proposal promotes execution,
14 flexibility to target or trim lateral circuit areas.

15 Is that your understanding of what s currently being
16 done by FPL and the City?

17 A Yes.

18 Q Okay.

19 If FPL were to move to a hard cycle, do you see
20 anything barring FPL from doing both, having a hard cycle and
21 having execution flexibility?

22 A No.

23 Q And are you aware of any community or customer
24 barriers in the City of North Miami?

25 A No. I m not sure what he s referring to by barriers.

26 Q Well, in proper context on page 14, does he point
27 out that FPL s plan is to gradually implement its proposal to
28 give it and the commission an opportunity to address community

1 and customer acceptance barriers with moving to a fixed cycle to
2 tree trimming, but you re not aware of any such community and
3 customer exception barriers included in the City of Miami? Are
4 you?

5 A No. I would say, if I understand his contention, that
6 residents in North Miami would be proponents of the three-year
7 trimming cycle, more frequent, consistent, reliable tree
8 trimming cycles.

9 Q Going back to the USDA plant hardiness zones that you
10 testified to earlier, trees grow fairly fast in North Miami;
11 don t they?

12 A All the year round.

13 Q That s because North Miami is located in a particular
14 hardy demarcation zone; correct?

15 A That s correct.

16 Q Which zone is that?

17 A Zone 11.

18 Q And where the trees grow year round, a more
19 frequent tree trimming cycle is desirable; correct?

20 A Correct.

21 Q Have you had the opportunity to review Exhibits One
22 and Two in Miranda s testimony?

23 Could you please answer out loud?

24 A Yes.

25 Q What does MBM1 depict?

26 A It might be easier for you to interpret that. I ve
27 never seen that chart other than right now.

28 I guess it s comparing costs with the three-year/

1 six-year cycle.

2 Q Well, I m quite sure you saw it yesterday, so let me
3 ask you if you are familiar with SAIFI and what that represents.

4 A Well, SAIFI is a systems average interruption
5 frequency index that they use to measure the number of average
6 customers interruption. That s basically during a specific
7 period that they do that. Frequency. It s frequency of it.

8 Q The number of times a customer is interrupted;
9 correct?

10 A Correct.

11 Q And by interruptions, we mean power outages; correct?

12 A Correct.

13 Q And are you also familiar with something known as
14 SAIDA?

15 A Yes. That s the system s average interruption
16 duration.

17 Q Now, SAIDA measures duration. What is that driven
18 by?

19 A Tree failures.

20 Q Does SAIDI appear on FPL exhibits?

21 A I don t see any reference to SAIDI.

22 Q Do you think it should be a consideration by FPL?

23 A Absolutely.

24 Q Are you aware that the Florida Cable
25 Telecommunications Association has filed comments on this
26 docket?

27 A Yes.

28 Q I d like to show you Exhibit B of those comments. I m

1 wondering if you could refer to this and mention some of the
2 major causes to distribution lines that are mentioned there.

3 A They cite trees, tree limbs, flying debris, rotten
4 poles and ineffective guy wires.

5 Q Are those the sort of things that, in hurricane force
6 winds could lead to tree failure?

7 A To tree failure or power outage.

8 Q Both?

9 A Both, yes.

10 Q And why is that?

11 A Well, when you have a flying projectile, it can
12 damage or take down wires.

13 Q It could collide with and land on a facility; is that
14 what you re saying?

15 A Absolutely.

16 Q And then that could lead to what type of power outage?

17 A Electrical power outage. I mean, what can happen is
18 it hit a transformer, a conductor, another tree, which would
19 take down the wires. A tree would fall on the pole, if the pole
20 is stressed and the guy wire in not in good and --

21 Q Is this type of power outage typically something that
22 could last for a long duration?

23 A Absolutely.

24 Q Have you had the opportunity to review the prepared
25 direct testimony and exhibits of William R. Slaymaker as his
26 testimony relates to FPL s right tree right place initiative?

27 A Yes.

28 Q Could you please refer to page 8 of Slaymaker s

1 testimony?

2 A Okay.

3 Q Does Slaymaker mention that FPL was honored somehow?

4 A Yes. He cites that FPL was honored in 2006 with the
5 Advocacy Excellence Award for Right Tree Right Place Program.

6 Q Do you happen to know what the criteria is for such a
7 reward?

8 A I do not.

9 Q And are you at all familiar with FPL s right tree
10 right place initiative and how it works?

11 A I am.

12 Q Can you tell me about it?

13 A Right Tree Right Place Program is guidelines for the
14 use of tree species as it relates to over-head wires. In other
15 words, if you need to plant a tree under the wire, you use a
16 species that only grows to a mature height of 15 or 20 feet.

17 If you are using certain palm species, they need to be
18 offset from the wire a certain number of feet. Basically it s a
19 program that looks at amalgamating and wires in the same
20 environment, without having a conflict.

21 Q So that the tree and wires can co-exist?

22 A Correct.

23 Q Is it more forward looking into the future, would you
24 say?

25 A Yes. I would think, primarily, that it would work
26 very well in a new development situation.

27 Q And have you had the opportunity to look at John
28 Harris prepared testimony?

1 A Yes.

2 Q Does Harris emphasize an exception to Miami-Dade s
3 Code conditions general rule that no more than one third of a
4 tree s canopy should be removed during trimming?

5 A Yes.

6 Q Could you please refer to page 5 of Harris testimony
7 and tell me whether you agree or disagree with the exception he
8 discussed there?

9 A Although Miami-Dade County does provide an exception,
10 I believe that a tree can be trimmed structurally, to avoid
11 using implementing the exception.

12 The exception relates to hazard reduction or clearance
13 pruning. I don t think it was the intent of the code to create
14 a hazard by removing half of a tree, which, in the future, could
15 be even a greater problem.

16 Q Do you view removing one third of a tree, which is
17 actually as much as up to half of a tree, do you view that as
18 exploiting the exception?

19 A Absolutely, yeah. I would agree with that. I would
20 believe that that would be the time to employ the Right Tree
21 Right Place program.

22 If you have to remove more than a third of a tree,
23 let s say a half of a tree, the tree becomes a hazard because,
24 now, it s unbalanced.

25 Q Is it unbalanced above ground as well as underground?

26 A Yes. There is a root shoot ratio that says that for
27 the amount of growth above the ground, there is an equal amount
28 below the ground in the root system. So, theoretically, if you

1 remove half of the tree, half of the root system has been
2 compromised to a degree, because it doesn't have the support.

3 Also, the tree will go into a recovery phase because
4 it senses that it's dying. And it will grow back with a
5 vengeance every place it can bring out a sprout.

6 Q And once the roots are compromised like that and the
7 tree starts to grow back with a vengeance after having been
8 improperly cut, more than one half of the tree having been taken
9 off, when the sprouts occur, are they in an improper proportion
10 from where they're sprouting from?

11 A Yes.

12 Q Do you want to elaborate on that?

13 A Proper pruning techniques not only suggest not moving
14 more than one third of a tree at any given trimming, but it also
15 stipulates that the branches that are being removed need to
16 leave a proportional sized branch connecting to the remaining
17 branch.

18 For example, if you have a six inch branch, you trim
19 back to a six-year cycle, you need to leave a lateral or leader
20 into a two or three inch diameter in order to have a
21 proportional connection of the lateral branches to the main
22 branches.

23 Conversely, if you trim off half of the tree and the
24 tree begins to sprout back because it's normal reaction is to
25 survive, it's going to sprout back very small branches connected
26 to the locations on the branch that are of much greater
27 diameter. And these connections, these sprout connections are
28 not going to be stable.

1 Q Well, let s go back to what you said about a leader.
2 If I m understanding correctly, there s something called a
3 leader branch; right?

4 A Correct.

5 Q Could you analogize a leader branch to a fishing pole
6 insofar as it s supposed to be tapered?

7 A That s a good analogy. A fishing pole has a greater
8 diameter at the base, tapering out to the tip to allow for
9 flexibility.

10 Q And if half of a tree is cut off, so that the
11 attachments are little sprouts on a very wide diameter branch,
12 can a tree survive like that?

13 A I can say that the tree may survive, but it is putting
14 it in great peril for a number of reasons. These branches are
15 subject to the slightest, little wind, that are going to be
16 breaking off.

17 The tree is now weighted on one side and has no
18 counterbalance weight on the other. So, in a strong wind,
19 physics would apply to the pressure pushing from the wind into
20 the canopy of the tree, it s going to topple the tree.

21 That s going to impede roadway traffic for emergency
22 vehicles. If a tree goes down and takes wires down and no
23 emergency vehicles can get in there, FPL hasn t restored the
24 power --

25 Q Does the tree become like a sail in the wind?

26 A Exactly. That s a great example. If you have a sail
27 and the sail catches the strong wind, it lifts up the opposite
28 side of the hull. So, if you have wind pushing up from the

1 east, the hull is going to lift up on one side. It goes down on
2 one side and up on the other side, and that s exactly what the
3 root system is going to do when the wind hits half the remaining
4 canopy in the tree and the root system has been compromised
5 because of the reduction in the canopy on one side. The root
6 system is not going to be able to sustain that pressure and it s
7 going to pop up out of the ground.

8 Q For all those reasons, you didn t recommend tree
9 trimmers to cut off half of the tree; correct?

10 A Correct. That, again, would be the perfect time to
11 implement the Right Tree Right Place Program. That would be the
12 time to say, Okay. We need to implement the exception to the
13 Dade County Code, because we need to remove half the tree.

14 Removing half the tree would be creating a hazard.
15 So, it needs to be removed. And if you spent the cost at that
16 point in time to remove the tree and planting the right tree in
17 the right place, you may never have to trim that spot ever
18 again.

19 Q As far as you know, if FPL s right tree right place
20 initiative being used to remove situations like this?

21 A I have not seen that done unless compelled to do so.

22 Q I d like to refer you, now, to page 7 of Harris
23 testimony where he says that all trimming and pruning changes
24 the natural shape of a tree. Do you agree with that statement?

25 A No.

26 Q Why not?

27 A Trees have a natural habit of growth characteristic to
28 its species. That characteristic is the same when it s six feet

1 tall, 16 feet tall or 60 feet tall. It has a natural habit of
2 growth.

3 So, if you trim a tree, you trim it back to its
4 previous character or habit of growth, moving it proportionately
5 all the way around the tree --

6 Q Are you referring to trimming it properly?

7 A That s correct. If you trim a tree properly, you
8 don t change the character of the tree. You may reduce the
9 canopy in the tree, but you don t destroy the character of the
10 tree.

11 Trees are not meant to grow on one side, shade trees
12 in the streets --

13 Q Have you had the opportunity to review the photographs
14 attached to Harris testimony? Please answer out loud.

15 A Yes, I have.

16 Q And how many photos has he attached?

17 A Six.

18 Q Are any of those photos in the City of North Miami?

19 A Only one.

20 Q Which one is that?

21 A Page 4.

22 Q Would you please describe what you see on page 4?

23 A I see a variety of trees, a Black Olive tree with the
24 wires going through the center of it, where the tree has been
25 V-cut.

26 I see an Oak tree that s been hat-racked on private
27 property. And I see a nearly dead tree in the foreground,
28 probably due to nutritional deficiency.

1 Q And what point do you believe Harris is trying to make
2 by what he s written underneath that photograph?

3 A I need to take this call.

4 (Thereupon, a telephone call was taken by the
5 witness.)

6 Q What is his point?

7 A It appears to me that he is making it evident that he
8 knows different species of trees and proper and improper pruning
9 techniques.

10 Q And the tree under the wires with the V-cut, that s
11 properly trimmed, as far as you are concerned; right?

12 A Yes.

13 Q And does he agree it s properly trimmed?

14 A Yes.

15 Q Now, please flip to the photograph in front of that
16 one, if you would, and tell me what photograph you re looking
17 at.

18 A Page three.

19 Q And what is that a photograph of?

20 A It s a photograph of a Ficus tree that s been heavily
21 pruned.

22 Q In or not in the City of North Miami?

23 A Outside the City of North Miami.

24 Q Is that an invasive species, as far as you know?

25 A Yes, it is an invasive species.

26 Q Going back to the right tree right place initiative,
27 would that tree be a good candidate for that?

28 A Absolutely.

1 Q And why is that?

2 A This tree is an invasive species. It s desirable to
3 remove it so it doesn t proliferate.

4 Secondly, this tree is going to need trimming
5 constantly. So, it would seem to me that there would be more
6 costs associated with trimming this large tree over and over and
7 over again than it would to have a one-time expense to remove it
8 and plant the appropriate, right tree right place, underneath
9 the wires.

10 Q Do you care to summarize your testimony?

11 A Yeah.

12 Q Please summarize your testimony.

13 A I d like to say that in the City of North Miami, we
14 have between 15 and 18 thousand trees. And being that the City
15 of North Miami resides in zone 11 of the USDA plant hardiness
16 zones, our trees grow year round.

17 There are trees that are in conflict with wires.
18 Should those trees be trimmed for structural integrity, that may
19 eliminate the amount of trimming on that particular tree in the
20 future to the point that it may never have to be trimmed again,
21 because while wires running next to structurally sound trees
22 branches don t sway in the wind, and they don t fail.

23 Q Is that because they re strong?

24 A Because they re strong and they ve been healed
25 properly after a proper trimming.

26 Conversely, if you side clear or do just line
27 clearance for 10 feet or 15 feet, I m not sure what they trim,
28 you are only, in my opinion, putting a Band-aid on the

1 situation. You re trimming for the clearance.

2 That tree is going to refer. You re going to have to
3 trim it again. It s going to refer again.

4 So, there s only two alternatives that I see, either
5 remove the trees that you constantly have to trim and use the
6 Right Tree Right Place Program, so you don t have to trim those
7 again; or trim the existing trees around the wires by pruning
8 them properly, so that they grow up and over the wires.

9 Q Is that called directional pruning?

10 A That s one term, directional pruning, structural
11 pruning. It doesn t make sense to me to drastically prune a
12 tree by employing the exception to the Code, in turn creating a
13 hazard for both impeding roadway traffic during a hurricane
14 event or high wind event or because FPL is going to constantly
15 have to trim that tree over and over and over again.

16 Q And the road would be impaired, if the tree fell into
17 the road?

18 A If the tree fell into the road, it s going to block
19 the roadway. That s a big problem for emergency vehicles,
20 because the tree not only after that amount of drastic trimming,
21 the tree could decline and fall over, not associated with a wind
22 event.

23 So, they re creating the demise of the tree, the
24 potential demise of the tree.

25 Q So, a tree could, theoretically, fall over, absent any
26 wind?

27 A That s correct.

28 Q Because of its decay?

1 A Right.

2 Q Because of its state of decay?

3 A Correct.

4 Q Does that conclude your testimony?

5 A No.

6 We know that outages are primarily caused by tree
7 failure, and we've talked about, you know, the proper trimming
8 could prevent tree branch failure. So, they talk about
9 representative or execution flexibility program, which seems to
10 me to be more costly than to do structural pruning.

11 And in my opinion, the Right Tree Right Place Program
12 is a preventative program to prevent the cost of having to prune
13 trees, but more importantly, prevent the potential for wires to
14 be taken down by tree failure or branch failure, so they're
15 promoting a preventative program.

16 The tree trimming is not a preventative program,
17 whether you do it through regular trimming or an execution
18 flexibility. It's an ongoing cost.

19 Therefore, they should have concern that the increased
20 cost for trimming is going to cost them more to maintain their
21 loss.

22 Q When you say they and them, you mean FPL; correct?

23 A Correct, FPL. So, seems like they're promoting, on
24 one hand, a preventative Right Tree Right Place Program. On the
25 other hand, they're doing very minimal to do long term
26 prevention.

27 So, I think that mitigation of these problems needs to
28 be looked at as a solution to the overall costs that they are

1 stipulating here that is a factor that they re concerned with,
2 and to mitigate by structural pruning the trees, so they don t
3 have to be pruned again, eventually, mitigate the tree by
4 removal and using the Right Tree Right Place Program. And that
5 would eliminate a big cost to FPL, and it would minimize the
6 duration of outages and even frequency of outages that they have
7 cited in their Exhibit.

8 Frequency may not as applicable as the SAIDI Chart,
9 which is the duration. And SAIDI relates to tree failure.

10 Q SAIDI is driven by tree failure; correct?

11 A Yes.

12 Q Anything more?

13 A No. I think that concludes my testimony.

14 Q Thank you.

15 (Thereupon, taking of the sworn statement was
16 concluded.)

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KEITH MILLER

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA :

COUNTY OF DADE :

I, LINDA JACKSON ROUNDTREE, Shorthand Reporter, certify that I was authorized to and did stenographically report the foregoing sworn statement; and that the transcript is a true record of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel

connected with the action, nor am I financially interested in
the action.

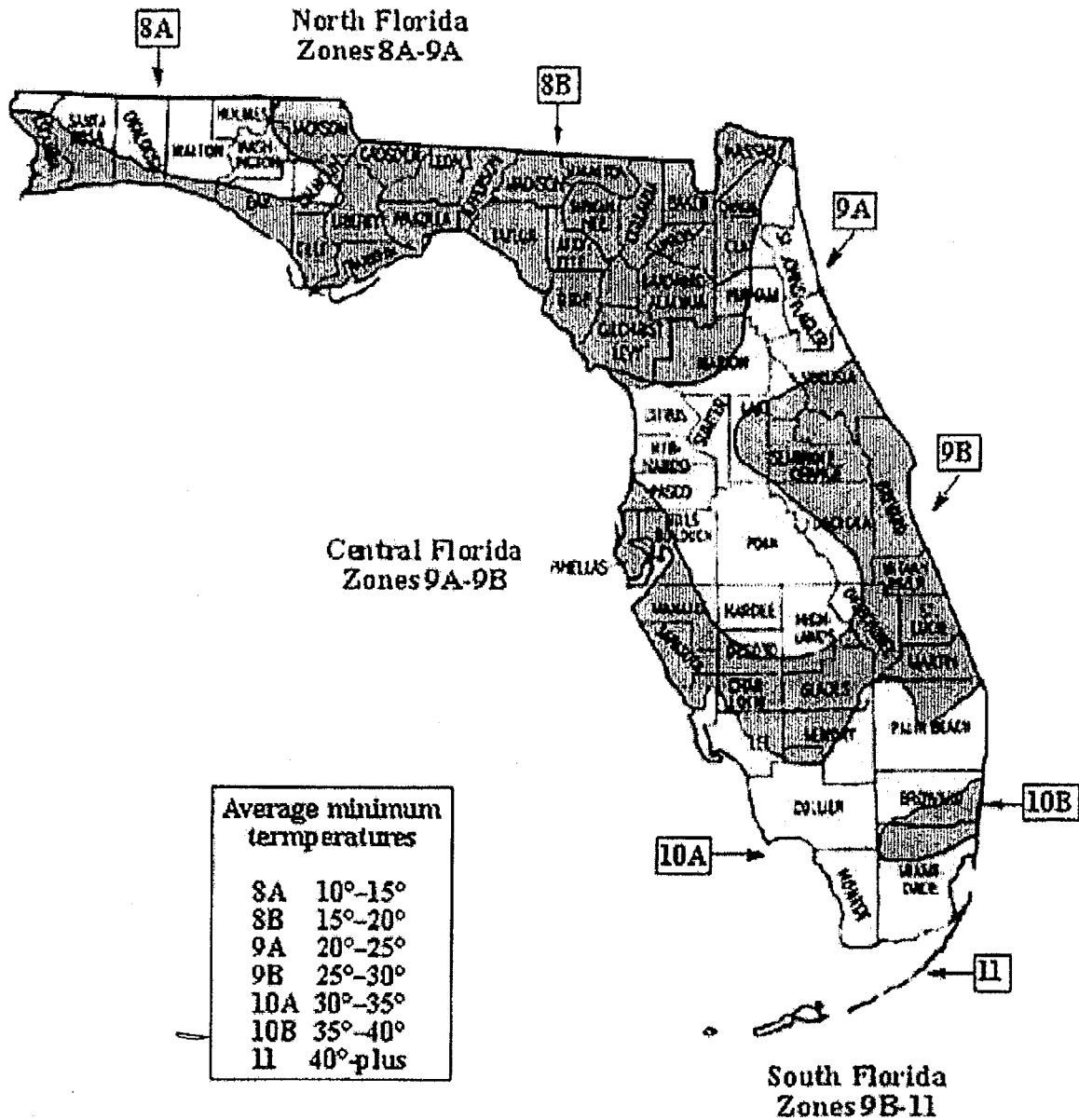
Dated this _____ day of January 2007.

LINDA JACKSON ROUNDTREE
Shorthand Reporter

ORIGINAL

Docket No. 060
198-EI
North Miami re
buttal KM-1(1)

**USDA plant hardiness zones
by Florida counties**



Petitioner's Exh. # 1
1-11-07
L.J.R.

DOCUMENT NUMBER-DATE

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