

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Tampa Electric Company.

DOCKET NO. 070297-EI

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Progress Energy Florida, Inc.

DOCKET NO. 070298-EI

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Gulf Power Company.

DOCKET NO. 070299-EI

In re: Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Florida Power & Light Company.

DOCKET NO. 070301-EI

ORDER NO. PSC-07-0796-PHO-EI

ISSUED: September 28, 2007

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on September 21, 2007, in Tallahassee, Florida, before Commissioner Nancy Argenziano, as Prehearing Officer.

APPEARANCES:

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On behalf of Tampa Electric Company (TECO).

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On behalf of Progress Energy Florida, Inc. (PEF).

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On behalf of Gulf Power Company (GULF).

DOCUMENT NUMBER-DATE

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On behalf of Florida Power & Light Company (FPL).

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(AT&T) and TCG South Florida, Inc. (TCG)

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On behalf of the Town of Palm Beach, Florida, The Town of Jupiter Island, and  
Municipal Underground Utilities Consortium (MUUC) and the City of Panama  
City Beach, Florida, and The Panama City Beach Community Redevelopment  
Agency (PCB)

KEINO YOUNG, KATHERINE E. FLEMING, LISA C. BENNETT, ADAM J.  
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On behalf of the Florida Public Service Commission (Staff).

### **PREHEARING ORDER**

#### **I. CASE BACKGROUND**

Rule 25-6.0342, Florida Administrative Code (F.A.C.), requires each investor-owned electric utility (IOU) to file a comprehensive storm hardening plan for review and approval by the Commission. On May 7, 2007, Florida Power & Light Company (FPL), Gulf Power

Company (Gulf), Progress Energy Florida, Inc. (PEF), and Tampa Electric Company (TECO) each filed its 2007 Electric Infrastructure Storm Hardening Plan (Storm Hardening Plan). Docket Nos. 070297-EI (TECO), 070298-EI (PEF), 070299-EI (Gulf), and 070301-EI (FPL) were opened to address each filing. On June 19, 2007, the Commission voted to set the dockets directly for a formal administrative hearing, with the additional mandate for Commission staff to conduct a series of informal workshops to allow the parties and staff to identify disputed issues and potential areas for stipulation. By Order No. PSC-07-0573-PCO-EI, issued July 10, 2007, these dockets were consolidated for purposes of the hearing. Each utility's Storm Hardening Plan will be ruled on separately.

## II. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, F.A.C., this Prehearing Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

## III. JURISDICTION

This Commission is vested with jurisdiction over the subject matter by the provisions of Chapter 366, Florida Statutes (F.S.). This hearing will be governed by said Chapter and Chapters 25-6, 25-22, and 28-106, F.A.C., as well as any other applicable provisions of law.

## IV. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

Information for which proprietary confidential business information status is requested pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Section 119.07(1), F.S., pending a formal ruling on such request by the Commission or pending return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in this proceeding, it shall be returned to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of this proceeding, it shall be returned to the person providing the information within the time period set forth in Section 366.093, F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, F.S., at the hearing shall adhere to the following:

- (1) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the court reporter, in red envelopes clearly marked with the nature of the contents and with the confidential information highlighted. Any party wishing to examine the confidential material

that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.

- (2) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise confidentiality. Therefore, confidential information should be presented by written exhibit when reasonably possible.

At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Office of Commission Clerk's confidential files. If such material is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidential classification filed with the Commission, the source of the information must file a request for confidential classification of the information within 21 days of the conclusion of the hearing, as set forth in Rule 25-22.006(8)(b), F.A.C., if continued confidentiality of the information is to be maintained.

#### V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties (and Staff) has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to five minutes.

Each witness' testimony summary should make clear the Storm Hardening Plan to which his or her testimony pertains. Intervenor witnesses who have prefiled testimony in multiple dockets shall summarize their testimony separately for each such docket and will then be cross-examined with respect to that docket before proceeding to their testimony in the other docket(s). Only those parties that have intervened in the specific Storm Hardening Plan docket may cross-examine the witnesses presenting testimony in that docket. The cross-examining party shall clearly specify on the record to which Storm Hardening Plan the cross-examination is directed.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

VI. ORDER OF WITNESSES

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
Regan B. Haines	TECO	1-13
Jason Cutliffe	PEF	14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
Mickey Gunter	PEF	14, 15, 16, 17
Edward J. Battaglia	GULF	27, 28, 29, 30, 31, 32, 33, 34, 36, 39
Alan G. McDaniel	GULF	35, 37, 38, 39
Manuel B. Miranda	FPL	
*Lawrence M. Slavin	VERIZON	
Sanford C. Walker	VERIZON	1-13, 14-26, 40-52
Kirk Smith	AT&T / TCG	All issues relating to the third party attacher process offered as a proposed stipulation
Michael T. Harrelson	FCTA	All issues
Peter J. Rant, P.E.	PCB	
R.L. Willoughby	PCB	
<u>Rebuttal</u>		
Regan B. Haines	TECO	
Edward J. Battaglia	GULF	
Alan G. McDaniel	GULF	
John J. McEvoy	FPL	
Manuel B. Miranda	FPL	

\*Verizon has withdrawn the testimony and exhibit of witness Lawrence M. Slavin.

VII. BASIC POSITIONS

**TECO:** Tampa Electric's Storm Hardening Plan ("Plan") provides a reasonable, measured approach to storm hardening and is incremental to the previously approved Pole Inspection Program and Ten Point Plan which are other parts of the multi-pronged approach by the Commission to improve system reliability on resiliency during and after extreme weather conditions.

Tampa Electric's Plan contemplates continuing to build to National Electric Safety Code ("NESC") Grade B construction for all new major planned expansions, rebuild or relocation of distribution facilities as it has done since the 1970s. Grade B construction, which has an effective wind speed of 116 mph, fits with the storm profiles that have been experienced in Tampa Electric's service area over the last 150 years.

In addition, Tampa Electric's Plan includes: (1) two targeted pilot projects to upgrade its Grade B construction to extreme wind on the circuits serving critical facilities in the city of Tampa; (2) one project to upgrade the transmission circuit feeding Tampa International Airport to current extreme wind standards; and (3) upgrades to specific targeted areas in its service area.

Tampa Electric's Plan complies with Rule 25-6.0342, F.A.C. by providing a reasonable and measured approach to storm hardening.

**PEF:** PEF's Plan and Plan Supplement meet all the requirements of Rule 25-6.0342 and meet the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner.

**GULF:** It is the basic position of Gulf Power Company that the Company's Storm Hardening Plan, as amended, which includes the 10-part storm preparedness initiatives that were approved by the Commission in Order Nos. PSC-06-0781-PAA-EI and PSC-06-0947-PAA-EI, can reasonably be expected to enhance the reliability and reduce restoration cost and outage times in a cost-effective manner. By adopting Grade B construction standards on all new and major distribution rebuilds, along with utilizing an Extreme Wind Load pilot project approach on critical infrastructure facilities and performing underground storm hardening projects where appropriate, Gulf's Storm Hardening Plan is prudent, practical, and cost-effective.

**FPL:** FPL's 2007 Electric Infrastructure Storm Hardening Plan for (the "FPL Plan") fully complies with Rule 25-6.0342, F.A.C. The FPL Plan: (1) demonstrates that FPL's transmission and distribution facilities comply with or exceed the National Electrical Safety Code ("NESC"); (2) adopts extreme wind loading ("EWL") standards for critical infrastructure facilities ("CIF"), new overhead ("OH") construction, major planned work, relocation projects and daily work activities; (3) is designed to mitigate damage to underground ("UG") and supporting OH

transmission and distribution facilities due to flooding and storm surges; (4) provides for the placement of new and replacement distribution facilities pursuant to Rule 25-6.0341; (5) contains deployment plans for 2007 – 2009 along with costs and benefits (6) contains Attachment Standards and Procedures; and (7) includes input received from joint pole owners and other attaching entities.

The 2004 and 2005 storm experiences, the performance of FPL's transmission structures (which were already built to EWL standards and performed well during the 2004 and 2005 storm seasons), and most importantly, the forensic data from Hurricane Wilma, serve as the basis for FPL's Plan. That information led to two key conclusions: (1) for a hurricane such as Wilma, wind can be the predominant cause of distribution pole breakage; and (2) FPL's transmission structures, which are already built to EWL standards, performed well overall when exposed to the same wind forces that were causing "wind only" breakage of distribution poles. In turn, this led FPL to conclude that effectively storm hardening its distribution system will require that EWL standards be applied. FPL proposes a three-prong approach to hardening its distribution infrastructure: proactive implementation of EWL for critical facilities; Incremental Hardening for commercial facilities that serve important roles following a storm; and revised Design Guidelines that will move FPL's system toward overall EWL hardening gradually over time. This three-prong approach specifically prioritizes the hardening of distribution facilities that are important to allowing communities to recover effectively after storms, and it utilizes various engineering tools and options to cost-effectively harden the system. FPL projects substantial benefits from implementation of the FPL Plan, in the form of reduced storm restoration costs and reductions in both the number and duration of outages.

FPL has provided detailed engineering information to all interested parties on its 2007 CIF and Incremental Hardening projects. However, since the time that Rule 25-6.0342 was proposed by the Commission in its current form, FPL has repeatedly made it clear that it was not going to be able to provide the same level of detail for the two "out years," in this case, 2008 and 2009, because its internal budget process would not be completed for those years at the time that each three-year hardening plan is initially filed. FPL has always expected that it would have to provide updated information on an annual basis, and, in fact, the rule provides for that option. In spite of the limitations, however, FPL has provided as much information on 2008 and 2009 projects as it has, as quickly as possible. This information should be more than sufficient for all intervenors to form an opinion on the appropriateness of the 2008-2009 CIF projects. Furthermore, FPL has agreed with all parties in this and the related dockets to a process to provide updated information for 2008 and 2009. This process is spelled out in Exhibit KS-1 to the testimony of AT&T Florida witness Kirk Smith, revised at Staff's request so that the annual status report on hardening plans will be filed "with the Director of Division of Economic Regulation" rather than with "the

Commission.” FPL supports this process and asks that the Commission approve it as part of the final order in this docket.

**AT&T:** As a result of cooperative, good faith negotiations, AT&T Florida, TCG South Florida, Inc., Verizon Florida, LLC, Embarq Florida, Inc., Florida Cable Telecommunications Association and the IOUs have reached an agreement wherein these parties have committed that they will support the jointly developed terms and conditions contained in the Process to Engage Third-Party Attachers, a copy of which is attached to Kirk Smith’s Direct Testimony as Exhibit KS-1.

In addition, based on AT&T Florida’s review of the project details that the IOUs have included in their respective Storm Hardening Plans filed with the Commission on May 7, 2007 (the “Plans”), and with the agreement between the above-referenced parties to support the Process to Engage Third-Party Attachers, AT&T Florida has no objections to the IOUs’ respective Plans at this time. AT&T Florida has filed testimony to explain the Process to Engage Third-Party Attachers and its value. AT&T Florida respectfully requests that the Commission approve the Process to Engage Third-Party Attachers in its Order in these Consolidated Dockets.

**EMBARQ:** Based on Embarq’s review of information provided by the companies and each company’s pre-filed direct testimony setting forth its storm hardening plans, Embarq has no objection to the plans as they are currently proposed and as they are understood to affect Embarq.

**FCTA:** Based upon FCTA’s review of each of the Companies’ proposed Storm Hardening Plans, as well as their respective direct testimonies, the FCTA believes that the Commission should reject each of the Companies’ Storm Hardening Plans, which were filed with the Commission on May 7, 2007 (“Plans”).

Specifically, while the FCTA does not oppose TECO’s proposal to maintain Grade B as the construction standard for its distribution facilities or to test extreme wind loading (EWL) criteria on a limited pilot project basis, certain aspects of TECO’s deployment strategy are not prudent, practical or cost effective. Likewise, the FCTA supports Progress’s proposal to maintain Grade C as the construction standard for its distribution facilities and to test extreme wind loading (EWL) criteria on a limited pilot project basis, but believes that certain aspects of Progress’s deployment strategy are not prudent, practical or cost effective. The FCTA also does not oppose Gulf’s proposal to adopt Grade B as the construction standard for its distribution facilities and to test extreme wind loading criteria on a limited pilot project basis, but nonetheless has serious concerns about Gulf’s proposed deployment strategy for Grade B, which in many respects, is not prudent, practical or cost effective.

As for FPL's Storm Hardening Plan, this Plan utilizes extreme wind loading (EWL) standards for all new construction and major planned work, including expansion, rebuild, or relocation of existing facilities. This is not prudent, practical or cost effective. Furthermore, certain aspects of FPL's deployment strategy are not prudent, practical or cost effective.

FCTA also has concerns about the Attachment Standards and Procedures currently set forth in each of the Companies' Plans. Certain Attachment Standards and Procedures set forth in the Plans do not concern storm hardening and, instead, constitute rates, terms and conditions of attachment, which should be established through good faith contract negotiation with input from attachers, as required by Rule 25-6.0342(6), F.A.C. and/or FCC resolution. Only the Attachment Standards and Procedures that relate to the loading impact of third party attachments are appropriate for *consideration* in this Docket. Nevertheless, the Commission should not *approve* certain problematic Attachment Standards and Procedures, as identified in the testimony of FCTA's witness Harrelson, even though they do relate to loading, because these Attachment Standards and Procedures do not constitute a reasonably practicable method of meeting the Commission's overall objective of enhancing reliability and reducing restoration costs and outages, as required by Rule 25-6.0342, F.A.C.

Lastly, while the Companies' Plans still contain insufficient detail about joint use facilities impacted by the Plan as well as the technical design specifications, construction standards, and construction methodologies that the Companies intend to employ to enable cable operators to determine the cost impacts of the Plan to cable operators in the Companies' respective territories and to provide the level of input contemplated by Rule 25-6.0342(6), F.A.C., FCTA believes those concerns may be resolved by the proposed Process to Engage Third Party Attachers. The Process to Engage Third Parties, which ensures that information is provided to third party attachers during the design phase and throughout the construction phase of a project, that the Companies will consider input from third party attachers, and that third party attachers can dispute the implementation of a particular project once detailed information is provided, should address FCTA's concern about the lack of detailed information in the Plans.

**MUUC:**

FPL's Plan addresses the requisite items set forth in the Commission's rules, and FPL's Plan is practical, as far as it goes. In particular, FPL's Plan deserves credit for moving to Extreme Wind Loading criteria for new distribution and for major reconstruction, relocation, and refurbishment work. However, the MUUC believes that additional efforts, especially with regard to encouraging and implementing underground facilities – particularly in high-density areas – would be cost-effective and therefore prudent, and since FPL's Plan does not provide adequate analysis of the costs and benefits of undergrounding as a hardening technology, as compared to alternate construction modes – EWL in FPL's case –

the MUUC believes that FPL's Plan cannot be said to be demonstrably prudent or cost-effective.

**PCB:** The Commission should not approve Gulf's Storm Hardening Plan because Gulf's Plan is deficient and based on inadequate analysis of the benefits and costs of storm hardening measures, particularly undergrounding as a hardening measure. Gulf's failure to collect and analyze data, and in particular Gulf's failure to analyze data already available to Gulf, make its Storm Hardening Plan inadequate. Data furnished by Gulf in discovery show that Panama City Beach and Pensacola were impacted by similar wind and storm surge conditions in Hurricane Dennis, but that reliability and restoration times in Panama City Beach, which has approximately double the penetration of underground distribution facilities as compared to Pensacola, were far better than in Pensacola.

On the plus side, Gulf's design specifications for underground facilities and Gulf's strong, system-wide preference for front-lot placement of facilities are sound practices and should promote reliability in major storms and under more normal, day-to-day conditions. However, Gulf did not follow through with these principles in designing its Plan because it effectively ignored the benefits available from undergrounding.

The Commission should find Gulf's Plan inadequate and should require Gulf to immediately begin an in-depth analysis of available data relating to the reliability, costs, and benefits of undergrounding using data available for its own system and analogous, comparable data for other utilities, and to return to the Commission within the next 6 to 9 months with better analysis and a better Storm Hardening Plan for the Commission's consideration.

**TCG:** As a result of cooperative, good faith negotiations, TCG and TECO, joined by BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Verizon Florida, LLC, Embarq Florida, Inc., Florida Cable Telecommunications Association, Florida Power & Light Company, Gulf Power Company and Progress Energy Florida, Inc., have reached an agreement wherein these parties have committed that they will support the jointly developed terms and conditions contained in the Process to Engage Third-Party Attachers, a copy of which is attached to Kirk Smith's Direct Testimony as Exhibit KS-1.

In addition, based on TCG's review of the project details that TECO has included in its Storm Hardening Plan filed with the Commission on May 7, 2007 (the "Plan"), and with the agreement between the above-referenced parties to support the Process to Engage Third-Party Attachers, TCG has no objections to TECO's Plan at this time. TCG has filed testimony to explain the Process to Engage Third-Party Attachers and its value. TCG respectfully requests that the Commission approve the Process to Engage Third-Party Attachers in its Order in this docket.

**VERIZON:** Verizon supports the process, which, among other things, would require investor-owned utilities (“IOUs”) to provide detailed information before the engineering begins on a project identified in their storm-hardening plans; provide engineering plans promptly upon completion; and meet with Process participants before construction starts. Consistent with the Commission’s storm-hardening rules, the Process would permit participants like Verizon to dispute the implementation of a particular project based on the detailed information provided by the IOU. Although adoption of the Process would eliminate a number of issues in this docket, a number of issues would remain that should be addressed by the Commission.

Assuming the Process is adopted, Verizon would not oppose the storm-hardening plan submitted by Progress. Verizon generally agrees with Progress’s position EWL and does not object at this stage to the projects it proposes to implement. Verizon reserves the right, however, to seek dispute resolution concerning Progress’s implementation of its plan.

Verizon opposes TECO’s plan as currently drafted. If the Process is adopted, Verizon would not oppose the storm-hardening projects outlined in TECO’s plan, subject to Verizon’s right to seek dispute resolution later if necessary. But TECO’s plan goes on to describe terms and conditions that TECO seeks to impose on attachers as part of TECO’s pole inspection and attachment audit processes. Verizon does not oppose pole inspections or attachment audits, but when TECO finds that a pole is overloaded or believes an attachment is unauthorized, the parties’ responsibilities for addressing those situations should be determined under their joint use agreements, not through additional terms and conditions that TECO seeks to impose through its storm-hardening plan. Moreover, Verizon is concerned that TECO, when implementing its plan, may attempt to claim that a Verizon attachment, which was within the loading requirements for a Grade C pole, is responsible for overloading the pole when Grade B criteria are applied retroactively. TECO should not be allowed to use its plan to justify such an attempt to shift costs to attachers.

Verizon does not oppose the storm-hardening plan submitted by FPL.

**STAFF:** Staff’s positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff’s final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

VIII. ISSUES AND POSITIONS

**DOCKET NO. 070297-EI – TAMPA ELECTRIC COMPANY**

- ISSUE 1:** PROPOSED STIPULATION – See Section X, Proposed Stipulations
- ISSUE 2:** PROPOSED STIPULATION – See Section X, Proposed Stipulations
- ISSUE 3:** PROPOSED STIPULATION – See Section X, Proposed Stipulations
- ISSUE 4:** PROPOSED STIPULATION – See Section X, Proposed Stipulations
- ISSUE 5:** PROPOSED STIPULATION – See Section X, Proposed Stipulations
- ISSUE 6:** PROPOSED STIPULATION – See Section X, Proposed Stipulations
- ISSUE 7:** Does the Company's Plan provide a detailed description of its deployment strategy including a description of the facilities affected; including technical design specifications, construction standards, and construction methodologies employed? [Rule 25-6.0342(4)(a)]

**POSITIONS**

- TECO:** Yes. Tampa Electric's Plan contains a detailed three-year deployment strategy which includes a description of the facilities affected, technical design specifications, construction standards and methodologies.
- AT&T:** No position at this time.
- EMBARQ:** The Company's storm hardening plan appears to provide the necessary detail, subject to implementation of the proposed Third-Party Attacher Process described in the testimony and exhibit pre-filed by AT&T's witness, Kirk Smith.
- FCTA:** No. The Plan does not adequately describe the Company's deployment strategy. The Plan does not include specific technical design specifications, construction standards and construction methodologies that will be employed by the Company in hardening poles. The proposed Process to Engage Third Party Attachers should resolve FCTA's concerns about the lack of detail currently in the Plan with regard to specific pilot projects, but does not fully alleviate concerns regarding lack of detail regarding TECO's planned pole inspections and continued deployment of Grade B construction standard in a prudent, practical and cost-effective manner. Moreover, the Company's deployment strategy is not prudent, practical or cost effective, as required by Rule 25-6.0342.8.
- MUUC:** Not an intervenor in this docket.

- PCB:** Not an intervenor in this docket.
- TCG:** No position at this time.
- VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of TECO's plan.
- STAFF:** No position pending evidence adduced at hearing.
- ISSUE 8:** **PROPOSED STIPULATION** – See Section X, Proposed Stipulations
- ISSUE 9:** **PROPOSED STIPULATION** – See Section X, Proposed Stipulations
- ISSUE 10:** **PROPOSED STIPULATION** – See Section X, Proposed Stipulations
- ISSUE 11:** **PROPOSED STIPULATION** – See Section X, Proposed Stipulations
- ISSUE 12:** Does the Company's Plan include written Attachment Standards and Procedures addressing safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles that meet or exceed the edition of the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to Rule 25-6.034, F.A.C.? [Rule 25-6.0342(5)]

### **POSITIONS**

- TECO:** Yes. Tampa Electric's Plan includes Attachment Standards and Procedures as called for by Rule 25-6.0342. Specifically Tampa Electric seeks approval in this docket of Sections 8.1, 8.2, 8.2.2, 8.4.1, 8.5, 8.7, and 8.8 of Tampa Electric's Plan. These standards and procedures are reasonable.
- AT&T:** No position at this time.
- EMBARQ:** The parties' pole attachment agreement, which complies to NESC minimum requirements, will continue to govern the Attachment Standards and Procedures applicable to Embarq.
- FCTA:** No. Certain of the Attachment Standards and Procedures set forth in TECO's Plan are not related to the Commission's overall objective of enhancing reliability or reducing restoration costs. Only those Attachment Standards and Procedures pertaining to the loading impact of third party attachments on the strength of poles relate to storm hardening and should be included in the Plan. All other details of TECO's Attachment Standards and Procedures should not be in the Plan but, instead, should be established through good faith contract negotiation with input from attachers as required by Rule 26-06.0342(6), F.A.C. and/or FCC resolution.

Furthermore, TECO's Attachment Standards and Procedures that do relate to the loading impact of third party attachments (only Section 8.7, which addresses TECO's plans to conduct a loading analysis of third party attachments during its 8-year pole inspection process, and Section 8.3, which pertains to TECO's permit application procedure, particularly as it applies to overlashing) do not constitute a reasonably practicable means of meeting the Commission's objectives of enhancing reliability and reducing storm related costs and outages, as is required by Rule 25-6.0342.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** No position at this time.

**VERIZON:** No. TECO's plan describes terms and conditions that TECO seeks to impose on attachers as part of TECO's pole inspection and attachment audit processes. Verizon does not oppose pole inspections or attachment audits, but when TECO finds that a pole is overloaded or believes an attachment is unauthorized, the parties' responsibilities for addressing those situations should be determined under their joint use agreements, not through additional terms and conditions that TECO seeks to impose through its storm-hardening plan. Moreover, Verizon is concerned that TECO, when implementing its plan, may attempt to claim that a Verizon attachment, which was within the loading requirements for a Grade C pole, is responsible for overloading the pole when Grade B criteria are applied retroactively. TECO should not be allowed to use its plan to justify such an attempt to shift costs to attachers.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 13:** Based on the resolution of the preceding issues, should the Commission find that the Company's Plan meets the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner to the affected parties? [ Rule 25-6.0342(1) and (2)]

### **POSITIONS**

**TECO:** Yes. Tampa Electric's Storm Hardening Plan should result in less storm damage to the electrical infrastructure and, therefore, less restoration time and cost. More generally, Tampa Electric's Plan together with, pole inspections, and increased vegetation management activities, can be reasonably expected to reduce future storm restoration costs compared to what they would be without those initiatives. Tampa Electric's continuing to build to construction Grade B while undertaking specific pilot projects to be constructed to NESC extreme wind provides a reasonable measured approach to storm hardening. Hardening the system,

increasing pole inspections, enhancing line clearing activities, hardening underground, along with various pilot projects will all have an impact on reducing storm damage, reducing or preventing outages, and reducing the overall storm restoration times. Additionally, there will be day-to-day reliability benefits realized. Finally, improved systems and processes, including improved storm forensics, will allow for more and better data to be collected, evaluated and analyzed. It will take many years of sustained effort to achieve the full benefits of storm hardening.

By utilizing its pilot project approach (targeting specific critical infrastructure for EWL), Tampa Electric is hardening its system efficiently and economically. As a result Tampa Electric's Plan is prudent, practical and is being implemented in a cost-effective manner.

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** No.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** No position at this time.

**VERIZON:** No. The Commission should not so find, for the reasons stated in response to Issue No. 12.

**STAFF:** No position pending evidence adduced at hearing.

**DOCKET NO. 070298-EI – PROGRESS ENERGY FLORIDA, INC.**

**ISSUE 14:** Does the Company's Plan address the extent to which, at a minimum, the Plan complies with the National Electric Safety Code (ANSI C-2) [NESC] that is applicable pursuant to subsection 25-6.0345(2), F.A.C.? [Rule 25-6.0342(3)(a)]

**POSITIONS**

**PEF:** Yes. (Cutliffe/Gunter)

**AT&T:** No position at this time.

**EMBARQ:** The Company's Plan appears to meet applicable NESC standards.

**FCTA:** Yes, the Company's Plan addresses the extent to which, at a minimum, the Plan complies with the NESC and yes, the Plan complies at a minimum with the NESC. Accordingly, FCTA takes no position on this issue.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 15:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for new distribution facility construction? [Rule 25-6.0342(3)(b)l]

### **POSITIONS**

**PEF:** Yes. (Cutliffe/Gunter)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** The Plan does not adopt EWL for new distribution facility construction and thus, FCTA takes no position on this issue.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 16:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for major planned work on the distribution system, including expansion,

rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule distribution facility construction? [Rule 25-6.0342(3)(b)2]

**POSITIONS**

**PEF:** Yes. (Cutliffe/Gunter)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** The Plan does not adopt EWL criteria for major planned work and thus, FCTA takes no position on this issue.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 17:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for distribution facilities serving critical infrastructure facilities and along major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations? [Rule 256.0342(3)(b)3]

**POSITIONS**

**PEF:** Yes. (Cutliffe/Gunter)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** The Plan only adopts EWL for a limited critical infrastructure pole project and thus, FCTA takes no position on this issue.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 18:** Does the Company's Plan address the extent to which its distribution facilities are designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges? [Rule 25-6.0342(3)(c)]

**POSITIONS**

**PEF:** Yes. (Cutliffe)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** Based on the currently available information, FCTA takes no position on this issue.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 19:** Does the Company's Plan address the extent to which the placement of new and replacement distribution facilities facilitate safe and efficient access for installation and maintenance pursuant to Rule 25- 6.0341, F.A.C? [Rule 25-6.0342(3)(d)]

**POSITIONS**

**PEF:** Yes. (Cutliffe)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** Based on the currently available information, FCTA takes no position on this issue.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 20:** Does the Company's Plan provide a detailed description of its deployment strategy including a description of the facilities affected; including technical design specifications, construction standards, and construction methodologies employed? [Rule 25-6.0342(4)(a)]

**POSITIONS**

**PEF:** Yes. (Cutliffe)

**AT&T:** No position at this time.

**EMBARQ:** The Company's storm hardening plan appears to provide the necessary detail, subject to implementation of the proposed Third-Party Attacher Process described in the testimony and exhibit pre-filed by AT&T's witness, Kirk Smith.

**FCTA:** No, however, the proposed Process to Engage Third Party Attachers should address FCTA's concerns regarding the detail missing from Progress's Plan pertinent to this issue. FCTA is concerned however that certain aspects of Progress' deployment strategy are not prudent, practical or cost effective.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 21:** Does the Company's Plan provide a detailed description of the communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and along major thoroughfares pursuant to subparagraph (3)(b)3. are to be made? [Rule 25-6.0342(4)(b)]

**POSITIONS**

**PEF:** Yes. (Cutliffe)

**AT&T:** No position at this time.

**EMBARQ:** The Company's storm hardening plan appears to provide the necessary detail.

**FCTA:** The Company's Plan provides a description of the communities and areas where the electric infrastructure improvements are to be made. The proposed Process to Engage Third Party Attachers should address FCTA's concerns regarding the level of detail missing from Progress's Plan pertinent to this issue.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 22:** Does the Company's Plan provide a detailed description of the extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exist? [Rule 25-6.0342(4)(c)]

**POSITIONS**

**PEF:** Yes. (Cutliffe)

**AT&T:** No position at this time.

**EMBARQ:** The Company's storm hardening plan appears to provide the necessary detail, subject to implementation of the proposed Third-Party Attacher Process described in the testimony and exhibit pre-filed by AT&T's witness, Kirk Smith.

**FCTA:** No, however, the proposed Process to Engage Third Party Attachers should address FCTA's concerns regarding the level of detail missing from Progress's Plan pertinent to this issue.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 23:** Does the Company's Plan provide a estimate of the costs and benefits to the utility of making the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages? [Rule 25-6.0342(4)(d)]

### **POSITIONS**

**PEF:** Yes. (Cutliffe)

**AT&T:** No position at this time.

**EMBARQ:** No position.

**FCTA:** No, however, the proposed Process to Engage Third Party Attachers should address FCTA's concerns regarding the level of detail in Progress's Plan pertinent to this issue.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 24:** Does the Company's Plan provide a estimate of the costs and benefits, obtained pursuant to subsection (6) below, to third-party attachers affected by the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages realized by the third-party attachers? [Rule 25-6.0342(4)(e)]

**POSITIONS**

**PEF:** Yes. (Cutliffe)

**AT&T:** No position at this time.

**EMBARQ:** Based on the information provided by the Company, Embarq estimates that it will incur \$450,000 in engineering, construction and facility transfer costs during 2007-2009 as a result of implementation of PEF's storm hardening plan.

**FCTA:** FCTA does not yet have enough information about the costs and benefits of Progress's storm hardening plan to provide a specific estimate of the costs and benefits that Progress's plan will have on its cable operator members. However, the costs that may be recovered from cable operators are tightly prescribed by the FCC. Cable operators may incur significant additional costs as a result of the Company's Plan. Operators may incur increased transfer costs, annual pole rental rates may increase, and the costs attendant to making the pole ready for third party attachments will increase. The number of cable operator attachments on which rents are paid may increase as additional poles are set in existing spans. It remains to be determined the extent to which the Company's Plan will benefit third parties. Given the uncertainty about the specific cost benefit impact on third party attachers, FCTA supports limited pilot projects and continued monitoring to enable affected parties to study the potential benefits of Progress's planned hardening activities.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 25:** Does the Company's Plan include written Attachment Standards and Procedures addressing safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles that meet or exceed the edition of the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to Rule 25-6.034, F.A.C.? [Rule 25-6.0342(5)]

**POSITIONS**

**PEF:** Yes. (Cutliffe)

**AT&T:** No position at this time.

**EMBARQ:** The parties' pole attachment agreement, which complies to NESC minimum requirements, will continue to govern the Attachment Standards and Procedures applicable to Embarq.

**FCTA:** No. Certain of the Attachment Standards and Procedures set forth in the Company's Plan are not related to the Commission's overall objective of enhancing reliability or reducing restoration costs. Only standards and procedures pertaining to the loading impact of third party attachments on the strength of poles relate to storm hardening and should be included in the Plan. These Attachment Standards and Procedures should not be approved as part of the Plan but, instead, should be established through good faith contract negotiation with input from attachers as required by Rule 25-06.0342(6), F.A.C. and/or FCC resolution. Furthermore, Progress's Attachment Standards and Procedures that do relate to the loading impact of third party attachments do not constitute a reasonably practicable means of meeting the Commission's objectives of enhancing reliability and reducing storm related costs and outages, as is required by Rule 25-6.0342.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes. Assuming the Process is adopted, Verizon does not oppose this aspect of Progress's plan.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 26:** Based on the resolution of the preceding issues, should the Commission find that the Company's Plan meets the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner to the affected parties? [ Rule 25-6.0342(1) and (2)]

**POSITIONS**

**PEF:** Yes. (Cutliffe)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** No.

**MUUC:** Not an intervenor in this docket.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Yes, assuming the Process is adopted.

**STAFF:** No position pending evidence adduced at hearing.

**DOCKET NO. 070299-EI – GULF POWER COMPANY**

**ISSUE 27:** **PROPOSED STIPULATION** – See Section X, Proposed Stipulations

**ISSUE 28:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for new distribution facility construction? [Rule 25-6.0342(3)(b)1]

**POSITIONS**

**GULF:** Yes. Gulf Power has historically designed its distribution system based on Grade C construction standards, which meets NESC standards. Gulf's Storm Hardening Plan as amended proposes to adopt Grade B construction standards for all new distribution facilities. Distribution facilities built to the Grade B construction standard would exceed NESC requirements. (Battaglia)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** The Plan does not adopt EWL for new distribution facility construction and thus, FCTA takes no position on this issue.

**MUUC only:** Agree with PCB.

**PCB:** Technically, Gulf's Plan "addresses" the extent to which it adopts the NESC extreme wind loading ("EWL") criteria, but PCB believes that Gulf's consideration and very limited adoption of the EWL criteria are inadequate.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Not an intervenor in this docket.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 29:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for major planned work on the distribution system, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule distribution facility construction? [Rule 25-6.0342(3)(b)2]

## **POSITIONS**

**GULF:** Yes. Gulf Power has historically designed its distribution system based on Grade C construction standards, which meets NESC standards. Gulf's Storm Hardening Plan as amended proposes to adopt Grade B construction standards for all major expansions, rebuilds or relocations of existing distribution facilities. Distribution facilities built to the Grade B construction standard would exceed NESC requirements. (Battaglia)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** The Plan does not adopt EWL criteria for major planned work and thus, FCTA takes no position on this issue.

**MUUC only:** Agree with PCB.

**PCB:** Technically, Gulf's Plan addresses this issue, but PCB believes that Gulf's consideration was and is inadequate.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Not an intervenor in this docket.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 30:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for distribution facilities serving critical infrastructure facilities and along major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations? [Rule 256.0342(3)(b)3]

### **POSITIONS**

**GULF:** Yes. Gulf Power will adopt Grade B construction standards to all new and major rebuilds of existing distribution facilities that serve critical infrastructure facilities and cross major thoroughfares. In addition, as a pilot project program, Gulf's Storm Hardening Plan proposes to adopt Extreme Wind Loading (EWL) standards for main feeder distribution systems that serve critical facilities such as hospitals, sewer treatment plants, fuel depots, and feeders that cross major thoroughfares. As a part of these pilot projects, Gulf will also install wind monitoring devices at substations nearest to the planned projects. This granular wind data, along with forensic data gathered after a major storm event, will assist in the determination of the effectiveness of the EWL pilot projects. Current proposed EWL pilot projects are identified in Section 9.1 of Gulf's Storm Hardening Plan. (Battaglia)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** The Plan only adopts EWL for limited critical infrastructure pole projects and thus, FCTA takes no position on this issue.

**MUUC only:** Agree with PCB.

**PCB:** Technically, Gulf's Plan addresses this subject. However, Gulf's Plan lists the projects in a table and includes a one-page map of Gulf's entire service area. The Plan does not include any discussion of political and geographic boundaries nor of operational considerations. Moreover, as noted below, Gulf's Plan includes no description of the communities or the areas served by the facilities to be upgraded, nor of the facilities themselves. The limited information provided is inadequate for local government officials to understand the areas affected and the circuits involved, and Gulf's Plan should be expanded to include the detailed information

required by the Rule; this information is also required for local government officials to understand what work is actually contemplated and to make meaningful decisions (e.g., relative to undergrounding or other planning decisions) relative to the work.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Not an intervenor in this docket.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 31:** **PROPOSED STIPULATION** – See Section X, Proposed Stipulations

**ISSUE 32:** **PROPOSED STIPULATION** – See Section X, Proposed Stipulations

**ISSUE 33:** Does the Company's Plan provide a detailed description of its deployment strategy including a description of the facilities affected; including technical design specifications, construction standards, and construction methodologies employed? [Rule 25-6.0342(4)(a)]

### **POSITIONS**

**GULF:** Yes. Section 9.1 of Gulf's Storm Hardening Plan describes the 3-year deployment strategy for the proposed EWL critical infrastructure pilot projects. Appendices 5 and 6 of the Storm Hardening Plan contain the design and construction specifications for the overhead and underground distribution facilities. (Battaglia)

**AT&T:** No position at this time.

**EMBARQ:** The Company's storm hardening plan appears to provide the necessary detail, subject to implementation of the proposed Third-Party Attacher Process described in the testimony and exhibit pre-filed by AT&T's witness, Kirk Smith.

**FCTA:** No. The Plan does not adequately describe the Company's deployment strategy. The proposed Process to Engage Third Party Attachers may well resolve FCTA's concerns about the lack of detail provided about Gulf's proposed pilot projects, but does not fully alleviate FCTA's concerns about the lack of detail in the Plan regarding Gulf's transition to Grade B construction or its Joint Use Pole Strength and Loading Assessments. Moreover, the Company's deployment strategy is not prudent, practical or cost effective, as required by Rule 25-6.0342.

**MUUC only:** Agree with PCB.

**PCB:** While Gulf's descriptions of its deployment strategy probably fall short of being "detailed," PCB believes that they are adequate for purposes of Gulf's Storm Hardening Plan. Additional information regarding pole class selection would be helpful.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Not an intervenor in this docket.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 34:** Does the Company's Plan provide a detailed description of the communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and along major thoroughfares pursuant to subparagraph (3)(b)3. are to be made? [Rule 25-6.0342(4)(b)]

#### **POSITIONS**

**GULF:** Yes. Section 9.1 of Gulf's Storm Hardening Plan identifies the proposed critical infrastructure project locations. In addition, Appendix 1 of the Plan is a map that shows the location of the proposed critical infrastructure projects in relation to the communities in N.W. Florida. (Battaglia)

**AT&T:** No position at this time.

**EMBARQ:** The Company's storm hardening plan appears to provide the necessary detail.

**FCTA:** The Company's Plan provides a description of the communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and along major thoroughfares. Moreover, the proposed Process to Engage Third Party Attachers likely resolves FCTA's concerns regarding the level of detail currently missing from Gulf's Plan pertinent to this issue.

**MUUC only:** Agree with PCB.

**PCB:** No. Gulf's Plan identifies the 11 EWL distribution projects that it has planned for 2007-2009 in a table and contains a one-page map of its service area. Gulf's Plan includes no description of the communities or the areas served by the facilities to be upgraded, nor of the facilities themselves. The limited information provided is inadequate for local government officials to understand the areas affected and the circuits involved, and Gulf's Plan should be expanded to include the detailed information required by the Rule; this information is also required for local government officials to understand what work is actually contemplated and to

make meaningful decisions (e.g., relative to undergrounding or other planning decisions) relative to the work.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Not an intervenor in this docket.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 35:** Does the Company's Plan provide a detailed description of the extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exist? [Rule 25-6.0342(4)(c)]

**POSITIONS**

**GULF:** Yes. Gulf Power has worked with all third-party attachers to provide sufficient details of proposed electric infrastructure improvements to determine potential impacts to joint-use facilities. Detailed location maps of potentially-impacted joint use facilities have been provided to all interested third-party attachers. The locations identified on the maps indicate a third-party attacher has one or more attachments on one or more poles shown on each map they received. Gulf continues to provide additional information as it becomes available. (McDaniel)

**AT&T:** No position at this time.

**EMBARQ:** The Company's storm hardening plan appears to provide the necessary detail, subject to implementation of the proposed Third-Party Attacher Process described in the testimony and exhibit pre-filed by AT&T's witness, Kirk Smith.

**FCTA:** The Company's Plan provides a description of the extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exist. The proposed Process to Engage Third Party Attachers likely resolves FCTA's concerns regarding the level of detail currently missing from Gulf's Plan pertinent to this issue except that FCTA still has significant concerns about the lack of detail in the Plan regarding Gulf's transition to Grade B construction and its Joint Use Pole Strength and Loading Assessments.

**MUUC only:** Agree with PCB.

**PCB:** No.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Not an intervenor in this docket.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 36:** Does the Company's Plan provide an estimate of the costs and benefits to the utility of making the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages? [Rule 25-6.0342(4)(d)]

**POSITIONS**

**GULF:** Yes. Appendix 7 of Gulf's Storm Hardening Plan as amended summarizes the estimated costs for the critical infrastructure hardening projects during the 2007 to 2009 time period. In addition, Gulf's Plan includes the estimated costs associated with the adoption of Grade B construction standards on all new and major overhead distribution rebuilds, along with proposed underground storm hardening pilot projects along coastal areas. Total storm hardening costs for the 2007 to 2009 time period are estimated at approximately \$20 million per year. Gulf continues to evaluate the possible benefits associated with its storm hardening activities. (Battaglia)

**AT&T:** No position at this time.

**EMBARQ:** No position.

**FCTA:** No, however, the proposed Process to Engage Third Party Attachers likely resolves FCTA's concerns regarding the level of detail currently missing from Gulf's Plan pertinent to this issue.

**MUUC only:** Agree with PCB.

**PCB:** Appendix 7 to Gulf's Amended Storm Hardening Plan includes estimates of the costs and benefits of incremental hardening to Grade B construction and of Gulf's limited proposal to use Extreme Wind Loading standards in a limited number of instances. However, Gulf's Plan is inadequate because Gulf has performed effectively no evaluation or analysis of the costs and benefits of undergrounding as a storm hardening measure, or of the relative benefits and costs of undergrounding as compared to Grade C, Grade B, or EWL criteria, even though data already available from Gulf indicate that the reliability and restoration benefits of undergrounding may be significant.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Not an intervenor in this docket.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 37:** Does the Company's Plan provide an estimate of the costs and benefits, obtained pursuant to subsection (6) below, to third-party attachers affected by the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages realized by the third-party attachers? [Rule 25-6.0342(4)(e)]

**POSITIONS**

**GULF:** Yes. Gulf's Storm Hardening Plan includes data to allow third-party attachers to estimate their costs resulting from the implementation of the proposed critical infrastructure pilot projects. Gulf has also furnished additional, detailed location maps of the infrastructure improvement projects since filing the Storm Hardening Plan to allow third-party attachers to better evaluate their cost and benefits. (McDaniel)

**AT&T:** No position at this time.

**EMBARQ:** Based on the information provided to Embarq by the company, Embarq estimates that it will incur \$28,000 in transfer costs during 2007-2009 as a result of the implementation of Gulf's storm hardening plan.

**FCTA:** No. FCTA does not yet have enough information about the costs and benefits of Gulf's storm hardening plan to provide a specific estimate of the costs and benefits that Gulf's plan will have on its cable operator members. However, the costs that may be recovered from cable operators are tightly prescribed by the FCC. Cable operators may incur significant additional costs as a result of the Company's Plan. Operators may incur increased transfer costs, annual pole rental rates may increase, and the costs attendant to making the pole ready for third party attachments will increase. The number of cable operator attachments on which rents are paid may increase as additional poles are set in existing spans. It remains to be determined the extent to which the Company's Plan will benefit third parties. Given the uncertainty about the specific cost benefit impact on third party attachers, FCTA supports limited pilot projects and continued monitoring to enable affected parties to study the potential benefits of Gulf's planned hardening activities.

**MUUC only:** Agree with PCB.

**PCB:** No. Gulf's Plan reports cost information furnished by ATT, FCTA, and Embarq, and reports that ATT, FCTA, and Embarq have each identified potential generic benefits from implementation of Gulf's Plan: reduced commercial power outages (ATT), enhanced pole reliability (FCTA), and reduced customer outages and restoration costs (Embarq). In fairness to Gulf, it is probably not Gulf's job to estimate the benefits to third-party attachers, but its Plan cannot be said to provide

estimates of the benefits to attachers deriving and accruing from its limited storm hardening efforts.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Not an intervenor in this docket.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 38:** Does the Company's Plan include written Attachment Standards and Procedures addressing safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles that meet or exceed the edition of the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to Rule 25-6.034, F.A.C.? [Rule 25-6.0342(5)]

### **POSITIONS**

**GULF:** Yes. Gulf's existing Attachment Standards and Procedures meet the requirements above or exceed the 2007 NESC. The significant update to Gulf's Storm Hardening Plan in the area of third party attachers is the addition of the Pole Strength and Loading engineering assessments and the overlashing notification requirement. This overlashing notification by third-party attachers will facilitate Gulf's ability to comply with the FPSC-approved Pole Strength and Loading assessment. (McDaniel)

**AT&T:** No position at this time.

**EMBARQ:** The parties' pole attachment agreement, which complies to NESC minimum requirements, will continue to govern the Attachment Standards and Procedures applicable to Embarq.

**FCTA:** Yes. However, certain of the Attachment Standards and Procedures set forth in Gulf's Plan are not related to the Commission's overall objective of enhancing reliability or reducing restoration costs. Only those Attachment Standards and Procedures pertaining to the loading impact of third party attachments on the strength of poles relate to storm hardening and should be included in the Plan. All other details of Gulf's Attachment Standards and Procedures should not be in the Plan but, instead, should be established through good faith contract negotiation with input from attachers as required by Rule 26-06.0342(6), F.A.C. and/or FCC resolution. Furthermore, Gulf's Attachment Standards and Procedures that do relate to the loading impact of third party attachments do not constitute a reasonably practicable means of meeting the Commission's objectives of enhancing reliability and reducing storm related costs and outages, as is required by Rule 25-6.0342, F.A.C..

**MUUC only:** Agree with PCB.

**PCB:** Yes. Gulf's Plan contains an outline of attachment standards and procedures and a statement of Gulf's overloading policy.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Not an intervenor in this docket.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 39:** Based on the resolution of the preceding issues, should the Commission find that the Company's Plan meets the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner to the affected parties? [ Rule 25-6.0342(1) and (2)]

### **POSITIONS**

**GULF:** Yes. Gulf's Storm Hardening Plan, which includes the 10-part storm preparedness initiatives that were approved by the Commission in Order Nos. PSC-06-0781-PAA-EI and PSC-06-0947-PAA-EI, can reasonably be expected to enhance the reliability and reduce restoration cost and outage times in a cost-effective manner. By adopting Grade B construction standards on all new and major distribution rebuilds, along with utilizing an EWL pilot project approach on critical infrastructure facilities and performing underground storm hardening projects where appropriate, Gulf's Storm Hardening Plan is prudent, practical, and cost-effective. (Battaglia and McDaniel)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** No.

**MUUC only:** Agree with PCB.

**PCB:** No. The Commission should find that Gulf's Plan is inadequate in that it does not adequately consider available data and does not adequately consider the benefits and costs of undergrounding as a storm hardening measure. For these reasons, Gulf's Plan cannot be considered prudent, practical, or cost-effective. The Commission should require Gulf to immediately begin an in-depth analysis of available data relating to the reliability, costs, and benefits of undergrounding using data available for its own system and analogous, comparable data for other utilities, and to return to the Commission within the next 6 to 9 months with better analysis and a better Storm Hardening Plan for the Commission's consideration.

**TCG:** Not an intervenor in this docket.

**VERIZON:** Not an intervenor in this docket.

**STAFF:** No position pending evidence adduced at hearing.

**DOCKET NO. 070301-EI – FLORIDA POWER & LIGHT COMPANY**

**ISSUE 40:** **PROPOSED STIPULATION** – See Section X, Proposed Stipulations

**ISSUE 41:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for new distribution facility construction? [Rule 25-6.0342(3)(b)l]

**POSITIONS**

**FPL:** Yes. For new distribution facility construction, FPL's Plan proposes to apply the NESC extreme wind map for Florida utilizing three extreme wind regions corresponding to extreme winds of 105, 130, and 145 mph. An exception will be made in the sparsely populated extreme southern tip of FPL's service territory (150 mph). FPL will apply EWL for all new distribution critical infrastructure facilities (CIF) and targeted critical poles, as well as all other new construction and daily work activities where feasible, practical and cost-effective. (MIRANDA, McEVOY)

**AT&T:** No position at this time.

**EMBARQ:** While Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq, Embarq concurs with the pre-filed testimony of Verizon's witness Dr. Lawrence M. Slavin relating to the effectiveness and application of extreme wind loading standards under the NESC.

**FCTA:** The Company's Plan, which proposes to adopt EWL for new distribution facility construction, is not prudent, practical or cost effective.

**MUUC:** Yes.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 42:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for major planned work on the distribution system, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule distribution facility construction? [Rule 25-6.0342(3)(b)2]

**POSITIONS**

**FPL:** Yes. See FPL's position on Issue 41 for FPL's planned extreme wind regions. FPL will apply EWL for all distribution major planned work, including expansion, rebuild, or relocation of existing facilities. (MIRANDA, McEVOY)

**AT&T:** No position at this time.

**EMBARQ:** While Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq, Embarq concurs with the pre-filed testimony of Verizon's witness Dr. Lawrence M. Slavin relating to the effectiveness and application of extreme wind loading standards under the NESC.

**FCTA:** The Company's Plan, which proposes to adopt EWL for all major planned work, including expansion, rebuild, or relocation of existing facilities, is not prudent, practical or cost effective.

**MUUC:** Yes, FPL's Plan addresses this subject. However, the "incremental hardening" component of FPL's Plan appears to indicate that an existing line that is built to less-than-EWL standards would only be rebuilt to its existing wind-speed rating, e.g., 100 MPH; the MUUC believes that any section above a certain minimum number of poles (to be determined) should be upgraded to EWL standards when being rebuilt, rather than rebuilt only to its existing design level. Additionally, the MUUC believes that FPL's use of the extreme wind loading criteria in all of the above work situations could be stated more clearly in FPL's Plan.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 43:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for distribution facilities serving critical infrastructure facilities and along major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations? [Rule 256.0342(3)(b)3]

**POSITIONS**

**FPL:** Yes. See FPL's position on Issue 41 for FPL's planned extreme wind regions. FPL will apply EWL for all distribution CIF. For 2007, CIF customer circuits by CIF customer and county were included in FPL's plan. Additionally, FPL provided engineering drawings for all 2007 CIF projects and primary maps for the 2008-2009 CIF projects to Staff and all parties requesting additional detail.

FPL does not intend to harden distribution facilities along major thoroughfares per se, but intends to apply Incremental Hardening, up to and including EWL, to feeders serving community-needs businesses, such as grocery stores, gas stations, and pharmacies. Typically, these businesses are located along or near major thoroughfares. For 2007, community project feeders and their associated region and county were included in FPL's plan. Additionally, FPL provided engineering drawings for all 2007 community projects to Staff and all parties requesting additional details. (MIRANDA, McEVOY)

**AT&T:** No position at this time.

**EMBARQ:** While Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq, Embarq concurs with the pre-filed testimony of Verizon's witness Dr. Lawrence M. Slavin relating to the effectiveness and application of extreme wind loading standards under the NESC.

**FCTA:** The Company's Plan to use EWL criteria for critical infrastructure circuits is prudent, practical and cost-effective. However, as set forth below, FCTA has serious concerns about how FPL will deploy these specific critical infrastructure projects.

**MUUC:** Yes.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 44:** Does the Company's Plan address the extent to which its distribution facilities are designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges? [Rule 25-6.0342(3)(c)]

**POSITIONS**

**FPL:** Yes. For all new URD construction FPL utilizes “dead front” equipment made from stainless steel or in combination with mild steel, which is resistant to weathering and corrosion and more resistant to flooding. Due to previous reliability issues with submersible equipment, FPL has not adopted submersible equipment as a standard. FPL is testing a “Vista Gear” (below grade, submersible URD type switch) as a pilot program on Jupiter Island and is now offering this as optional equipment to customers. Additional research by FPL, manufacturers and PURC is being conducted to identify other improvement opportunities. (MIRANDA)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company’s Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** Based on the currently available information, FCTA takes no position on this issue.

**MUUC:** No. FPL's Plan does not adequately address underground design issues, nor does it provide adequate analysis of the costs and benefits of undergrounding as a hardening technology, as compared to alternate construction modes.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 45:** Does the Company's Plan address the extent to which the placement of new and replacement distribution facilities facilitate safe and efficient access for installation and maintenance pursuant to Rule 25- 6.0341, F.A.C? [Rule 25-6.0342(3)(d)]

**POSITIONS**

**FPL:** Yes. FPL’s Plan includes Distribution Guidelines which state: every attempt should be made to place new or replacement poles in private easements or as

close to the front edge of property (right of way line) as practical; overhead lines should be placed in front lines or accessible locations where feasible; and concrete poles are not to be placed in inaccessible locations or locations that could potentially become inaccessible. (MIRANDA)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** Based on the currently available information, FCTA takes no position on this issue.

**MUUC:** While the MUUC believes that facility placement is not addressed clearly in FPL's Plan, the MUUC notes that FPL's Storm Secure initiative favors the use of rights-of-way for the location of facilities and also notes that FPL has been working with MUUC representatives toward a right-of-way agreement for the installation of Underground facilities pursuant to FPL's Governmental Adjustment Factor tariffs. The MUUC understands FPL's Plan to intend its implementation within the policy principles set forth in FPL's Storm Secure initiative.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 46:** Does the Company's Plan provide a detailed description of its deployment strategy including a description of the facilities affected; including technical design specifications, construction standards, and construction methodologies employed? [Rule 25-6.0342(4)(a)]

## **POSITIONS**

**FPL:** Yes. FPL's Plan includes its strategy to harden its distribution system. This hardening strategy includes FPL's proposal to utilize a three prong approach: EWL; Incremental Hardening and revised Design Guidelines. The initial focus of EWL will be on feeders and laterals directly serving critical customers as well as certain critical poles. For Incremental Hardening, FPL will target existing feeders, that with targeted, cost-effective options, an entire feeder's wind profile can be increased up to and including EWL. FPL's Design Guidelines apply EWL criteria to the design and construction of all new overhead facilities, major planned work,

relocation projects and daily work activities. FPL provided 2007 EWL (i.e., CIF) and Incremental Hardening (i.e., community projects) engineering drawings, as well as primary maps for 2008-2009 EWL projects, to Staff and all parties requesting additional detail. FPL's Plan included its proposed Design Guidelines, its proposed Addenda to its Distribution Construction Standards, Distribution Engineering Reference Manual as well as its Attachment Guidelines and Procedures. (MIRANDA)

**AT&T:** No position at this time.

**EMBARQ:** The Company's storm hardening plan appears to provide the necessary detail, subject to implementation of the proposed Third-Party Attacher Process described in the testimony and exhibit pre-filed by AT&T's witness, Kirk Smith.

**FCTA:** No. The Plan does not adequately describe the Company's deployment strategy. While the Plan does contain detailed information about the critical infrastructure projects planned for 2007, it does not provide sufficient details about its critical infrastructure projects for 2008 or 2009, its plans for new construction for any year, it plans for major planned work for any year, or the projected costs and benefits for its hardening activities for any year, to enable third party attachers to assess with any precision the costs and benefits on their operations. However, FCTA believes the lack of detail in the current plan may well be resolved by the proposed Process to Engage Third Party Attachers, which creates a process to ensure that information is provided to third party attachers during the design phase and throughout the construction phase of a project, that the Company will consider input from third party attachers, and that third party attachers can dispute the implementation of a particular project once detailed information is provided. Moreover, many aspects of FPL's deployment strategy are not prudent, practical or cost effective.

**MUUC:** Yes, especially FPL's Addendum for Extreme Wind Loading to its Distribution Engineering Reference Manual.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 47:** Does the Company's Plan provide a detailed description of the communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and along major thoroughfares pursuant to subparagraph (3)(b)3. are to be made? [Rule 25-6.0342(4)(b)]

**POSITIONS**

**FPL:** Yes. FPL's Plan included the following for 2007 CIF and Community Projects: for each CIF customer, the name, county and region; and for each Community Project, the feeder number, county and region. Additionally, FPL provided engineering drawings for all 2007 CIF and Community Projects, as well as primary maps and an identification of each CIF customer, the name, county and region for the 2008-2009 CIF projects, to Staff and all parties requesting additional detail. (MIRANDA)

**AT&T:** No position at this time.

**EMBARQ:** The Company's storm hardening plan appears to provide the necessary detail.

**FCTA:** No, while the Plan does contain detailed information about the communities and areas in which critical infrastructure projects are planned for 2007, it does not provide sufficient details about the location of its critical infrastructure projects for 2008 or 2009, its plans for new construction for any year, it plans for major planned work for any year, or the projected costs and benefits for its hardening activities for any year, to enable third party attachers to assess with any precision the costs and benefits on their operations. However, FCTA believes the lack of detail in the current Plan may well be resolved by the proposed Process to Engage Third Party Attachers, which creates a process to ensure that information is provided to third party attachers during the design phase and throughout the construction phase of a project, that the Company will consider input from third party attachers, and that third party attachers can dispute the implementation of a particular project once detailed information is provided.

**MUUC:** No. FPL's Plan includes a one-page list of "circuits planned for hardening to EWL" by county and by identity of the customer. This information includes no description of the communities or the areas served by the circuits, nor of the circuits themselves. This limited information is inadequate for city officials to understand the areas affected and the circuits involved, and FPL's Plan should be expanded to include the detailed information required by the Rule; this information is also required for local government officials to understand what work is actually contemplated and to make meaningful decisions (e.g., relative to undergrounding or other planning decisions) relative to the work.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 48:** Does the Company's Plan provide a detailed description of the extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exist? [Rule 25-6.0342(4)(c)]

**POSITIONS**

**FPL:** Yes. For 2007, all Attachers were provided engineering drawings and line diagrams for all CIF and Incremental Hardening Projects. For 2007, all Attachers actively participating in the proceeding acknowledged that for 2007, sufficient details had been provided. Similar details for 2008 and 2009 are not available at this time, since detail plans for these two out years have not been developed and approved. Details for these years will be provided to Attachers when FPL annually updates its Plan. See FPL's responses to Issues 46 and 47 for details on facilities to be affected by FPL's 2007 hardening deployment. (MIRANDA)

**AT&T:** No position at this time.

**EMBARQ:** The Company's storm hardening plan appears to provide the necessary detail, subject to implementation of the proposed Third-Party Attacher Process described in the testimony and exhibit pre-filed by AT&T's witness, Kirk Smith.

**FCTA:** No, the Company's Plan does not provide a detailed description of the extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exists. However, the proposed Process to Engage Third Party Attachers may well resolve FCTA's concerns regarding the level of detail in FPL's Plan pertinent to this issue.

**MUUC:** No.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 49:** Does the Company's Plan provide an estimate of the costs and benefits to the utility of making the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages? [Rule 25-6.0342(4)(d)]

**POSITIONS**

**FPL:** Yes. FPL's Plan includes cost estimates for 2007 – 2009. These cost estimates, developed utilizing current work methods, products and equipment are: 2007 - \$40 million - \$70 million; 2008 - \$75 million - \$125 million; and 2009 - \$100 million - \$150 million. Based on updated information, FPL's 2007 costs are now estimated to be \$48.5 million - \$61.5 million. Since detailed plans for the two "out years" (2008 and 2009) have not been finalized, FPL will provide annual updates of its Plan to the Commission.

For benefits, FPL estimates that, over an analytical study period of 30 years, the net present value of restoration cost savings per mile of hardened feeder would be approximately 45% - 70% of the cost to harden that feeder at a storm frequency of once every 3-5 years. There are several factors that affect the amount of actual restoration cost savings, including the frequency of storms impacting FPL's service territory, the intensity of these storms, and reductions in storm hardening costs associated with improvements in construction processes or technological advancements. At this time, it is impossible for FPL or anyone else to predict the outcome on any of those factors. However, as I noted previously, the experience of the 2004-2005 hurricane seasons as well as some recent meteorological analyses suggest that more frequent storm activity may be more representative than the assumption used in FPL's restoration cost savings analysis of a storm every three years. A Hurricane Wilma-type event occurring once every 3 years would result in restoration cost savings becoming approximately equal to hardening costs. In addition to reducing restoration costs, the FPL Plan is projected to result in fewer and shorter customer storm outages. The number and duration of storm outages during the 2004 and 2005 storm seasons led to strong customer interest in improved storm resilience for FPL's system, and that customer interest is a major motivation for the Plan. (MIRANDA)

**AT&T:** No position at this time.

**EMBARQ:** No position.

**FCTA:** No. However, the proposed Process to Engage Third Party Attachers may well resolve FCTA's concerns regarding the level of detail currently missing from FPL's Plan pertinent to this issue.

**MUUC:** No. FPL's Plan does not adequately address the total costs and benefits of storm hardening, esp. as regards the use of undergrounding as a hardening technique or technology. However, in Docket No. 060150-EI, FPL did prepare an economic

analysis of projected storm restoration cost savings from undergrounding. The MUUC is still awaiting FPL's estimates of savings from other operational cost considerations, pursuant to the Commission's rules.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 50:** Does the Company's Plan provide an estimate of the costs and benefits, obtained pursuant to subsection (6) below, to third-party attachers affected by the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages realized by the third-party attachers? [Rule 25-6.0342(4)(e)]

### **POSITIONS**

**FPL:** Yes. FPL's Plan includes Attachers' costs and benefits, to the extent they were provided. (MIRANDA)

**AT&T:** No position at this time.

**EMBARQ:** Based on the information provided to Embarq by the company, Embarq estimates that it will incur \$50,000 in transfer costs during 2007-2009 as a result of the implementation of FPL's storm hardening plan.

**FCTA:** No. FCTA does not yet have enough information about the costs and benefits of FPL's storm hardening plan to provide a specific estimate of the costs and benefits that FPL's Plan will have on its cable operator members. However, the costs that may be recovered from cable operators are tightly prescribed by the FCC. Cable operators may incur significant additional costs as a result of the Company's Plan. Operators may incur increased transfer costs, annual pole rental rates may increase, and the costs attendant to making the pole ready for third party attachments will increase. The number of cable operator attachments on which rents are paid may increase as additional poles are set in existing spans. It remains to be determined the extent to which the Company's Plan will benefit third parties. Given the uncertainty about the specific cost benefit impact on third party attachers, FCTA supports limited pilot projects and continued monitoring to enable affected parties to study the potential benefits of FPL's planned hardening activities.

**MUUC:** No. FPL's Plan reports costs as reported to FPL by ATT and Embarq. FPL's Plan also reports that ATT recognizes the possible generic benefit of reduced outages at its commercial facilities and that Embarq recognizes similar generic, but unquantified, benefits of FPL's storm hardening efforts in reduced customer outages and reduced restoration times. In fairness to FPL, it is probably not FPL's job to do more than survey attachers, but its Plan cannot be said to adequately provide an estimate of the benefits to third-party attachers of storm hardening efforts.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 51:** Does the Company's Plan include written Attachment Standards and Procedures addressing safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles that meet or exceed the edition of the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to Rule 25-6.034, F.A.C.? [Rule 25-6.0342(5)]

### **POSITIONS**

**FPL:** Yes. FPL's plan includes Attachment Standards and Procedures as called for by Rule 25-6.0342. These standards and procedures reflect the attachments and standards previously in place, with the only substantive updates being made to incorporate FPL's proposed hardening construction standards and design guidelines. (MIRANDA, MCEVOY)

**AT&T:** No position at this time.

**EMBARQ:** The parties' pole attachment agreement, which complies to NESC minimum requirements, will continue to govern the Attachment Standards and Procedures applicable to Embarq.

**FCTA:** No. Certain of the Attachment Standards and Procedures set forth in FPL's Plan are not related to the Commission's overall objective of enhancing reliability or reducing restoration costs. Only those Attachment Standards and Procedures pertaining to the loading impact of third party attachments on the strength of poles relate to storm hardening and should be included in the Plan. All other details of FPL's Attachment Standards and Procedures should not be in the Plan but, instead, should be established through good faith contract negotiation with input

from attachers as required by Rule 26-06.0342(6), F.A.C. and/or FCC resolution. Furthermore, FPL's Attachment Standards and Procedures that do relate to the loading impact of third party attachments do not constitute a reasonably practicable means of meeting the Commission's objectives of enhancing reliability and reducing storm related costs and outages, as is required by Rule 25-6.0342.

**MUUC:** Yes.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

**ISSUE 52:** Based on the resolution of the preceding issues, should the Commission find that the Company's Plan meets the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner to the affected parties? [ Rule 25-6.0342(1) and (2)]

## **POSITIONS**

**FPL:** Yes. FPL's storm hardening plan should result in less storm damage to the electrical infrastructure and therefore less restoration time and cost. More generally, FPL's Storm Secure initiatives, including its storm hardening plan, pole inspections, and increased vegetation management activities, can be reasonably expected to reduce future storm restoration costs compared to what they would be without those initiatives. The costs and benefits of FPL's response to the Commission's requirement in Docket No. 060198-EI for 10-point storm implementation plans are discussed in FPL's "Storm Preparedness Initiatives" document, which was filed, reviewed and approved in that docket and is incorporated herein by reference. Hardening the system, increasing pole inspections, enhancing line clearing activities, promoting underground, along with various storm preparedness initiatives will all have an impact on reducing storm damage, reducing or preventing outages, and reducing the overall storm restoration times. Additionally, there will be day-to-day reliability benefits realized. Finally, improved systems and processes, including improved storm forensics, will allow for more and better data to be collected, evaluated and analyzed. FPL's system is very diverse and geographically large and it will take many years of sustained effort to achieve the full benefits of storm hardening. See also FPL's Statement of Basic Position, above. (MIRANDA, McEVOY)

**AT&T:** No position at this time.

**EMBARQ:** Embarq has no objection to the Company's Plan as it is currently proposed and as it is understood to affect Embarq.

**FCTA:** No.

**MUUC:** No. FPL's Plan is practical, as far as it goes. However, the MUUC believes that additional efforts, especially with regard to encouraging and implementing underground facilities – particularly in high-density areas – would be cost-effective and therefore prudent, and since FPL's Plan does not provide adequate analysis of the costs and benefits of undergrounding as a hardening technology, as compared to alternate construction modes – EWL in FPL's case – the MUUC believes that FPL's Plan cannot be said to be demonstrably prudent or cost-effective.

**PCB:** Not an intervenor in this docket.

**TCG:** Not an intervenor in this docket.

**VERIZON:** No position.

**STAFF:** No position pending evidence adduced at hearing.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
<u>Direct</u>			
Regan B. Haines (070297-EI – TECO)	TECO	RBH-1	Tampa Electric's Storm Hardening Plan Filed May 7, 2007; Cost and Benefits Matrix filed July 30, 2007; and Process to Engage Third Party Attachers
Jason Cutliffe (070298-EI – PEF)	PEF	JC-1T	PEF's Storm Hardening Plan
Jason Cutliffe (070298-EI – PEF)	PEF	JC-2T	PEF's Plan Supplement
Jason Cutliffe (070298-EI – PEF)	PEF	JC-3T	Position Statements from Intervenors

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Mickey Gunter (070298-EI – PEF)	PEF	MG-1T	Resumé
Mickey Gunter (070298-EI – PEF)	PEF	MG-2T	2007 NESC Rule 250C
Mickey Gunter (070298-EI – PEF)	PEF	MG-3T	1977 NESC Rule 250C
Mickey Gunter (070298-EI – PEF)	PEF	MG-4T	1987 NESC Rule 250C
Mickey Gunter (070298-EI – PEF)	PEF	MG-5T	2005 Comments rejecting originally approved/modified NESC change proposals 2766, 2673 and 2798 in 2003
Mickey Gunter (070298-EI – PEF)	PEF	MG-6T	Original NESC change proposals 2766, 2673 and 2798 originally approved/modified in 2003 to eliminate 60’ exemption
Edward J. Battaglia (070299-EI – GULF)	GULF	EJB-1	Consisting of ten schedules showing: Map of Gulf Power’s Service Area, Map of Florida Population Densities, Summary of Costs, PoleForman Analysis, Northwest Florida Hurricanes, and Extreme Wind Loading Projects
Alan G. McDaniel (070299-EI – GULF)	GULF	AGM-1	Consisting of one schedule: Gulf and FCTA Input Timeline
Manuel B. Miranda (070301-EI – FPL)	FPL	MBM-1	2007 Electric Infrastructure Storm Hardening Plan
Manuel B. Miranda (070301-EI – FPL)	FPL	MBM-2	2008-2009 CIF Projects
Manuel B. Miranda (070301-EI – FPL)	FPL	MBM-3	“Storm Pole Replacements” chart

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Manuel B. Miranda (070301-EI – FPL)	FPL	MBM-4	2007 Aerial Maps & Engineering Drawings for 2007 CIF and Community Projects
Manuel B. Miranda (070301-EI – FPL)	FPL	MBM-5	Balance of 2007 Engineering Drawings for 2007 CIF and Community Projects
Manuel B. Miranda (070301-EI – FPL)	FPL	MBM-6	Map Drawings for 2008 and 2009 CIF Projects
*Lawrence M. Slavin (070297-EI-TECO, 070298-EI – PEF, 070299-EI – GULF, 070301-EI - FPL) *Verizon has withdrawn the testimony and exhibit of witness Lawrence M. Slavin	VERIZON	LMS-1	Slavin Experience / Industry / Activities
Kirk Smith (070297-EI-TECO, 070298-EI – PEF, 070299-EI – GULF, 070301-EI - FPL)	AT&T / TCG	KS-1	Process to Engage Third-Party Attachers
Michael T. Harrelson (070297-EI – TECO, 070298-EI – PEF, 070299-EI – GULF, 070301-EI - FPL)	FCTA	MTH-1	Curriculum Vitae/List of Previously Filed Testimony
Michael T. Harrelson (070297-EI – TECO, 070298-EI – PEF, 070299-EI – GULF, 070301-EI - FPL)	FCTA	MTH-2	Affidavit of Dr. Lawrence T. Slavin
Michael T. Harrelson (070297-EI – TECO, 070298-EI – PEF, 070299-EI – GULF, 070301-EI - FPL)	FCTA	MTH-3	Process to Engage Third Party Attachers

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Michael T. Harrelson (070299-EI - GULF)	FCTA	MTH-4	July 24, 2007, Harrelson letter to Alan McDaniel/Pole Inspections
Michael T. Harrelson (070301-EI - FPL)	FCTA	MTH-5	CIF projects—Lateral Line and Other Guying Effects, Lake City Veterans Administration Hospital (Columbia County)/Lee County Hospital (Fort Myers)
Michael T. Harrelson (070301-EI - FPL)	FCTA	MTH-6	CIF projects – Large Trees by Hardened Lines, Lake City Veterans Administration Hospital (Columbia County)/Lee County Memorial Hospital (Fort Myers)
Peter J. Rant, P.E. (070299-EI - GULF)	PCB	PJR-1	Resumé of Peter J. Rant, P.E.
Peter J. Rant, P.E. (070299-EI - GULF)	PCB	PJR-2	Tropical Cyclone Report, Hurricane Dennis. Author Jack Beven, published by the National Hurricane Center, November 22, 2005
Peter J. Rant, P.E. (070299-EI - GULF)	PCB	PJR-3	Comparative Customer Outage Information, Panama City Beach and Pensacola, Hurricane Dennis (2005); table plus Gulf Power Company Interrogatory Responses with source data
R.L. Willoughby (070299-EI - GULF)	PCB	RLW-1	Resumé of R.L. Willoughby

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
<u>Rebuttal</u>			
Regan B. Haines (070297-EI)	TECO	RBH-2	PoleForeman Article: Transmission & Distribution World Article: Line Loading and Clearance Calculations Improved; PoleForeman Guying Screens; Overloaded Pole Attachments; Overlashing Permits
Edward J. Battaglia (070299-EI – GULF)	GULF	EJB-2	Pictorial history of storm surge impact on underground facilities; Summary chart of utilities; National Weather Services Storm Report for Hurricane Fran, 1996; National Weather Services Storm Report for Hurricane Bertha, 1996; National Weather Services Storm Report for Hurricane Bonnie, 1998; National Weather Services Storm Report for Hurricane Dennis, 1999; North Carolina Hurricane Tracks for 1996 to 1999; Hurricane Dennis wind field data
Alan G. McDaniel (070299-EI – GULF)	GULF	AGM-1	Storm Hardening Plan Gulf and FCTA Input Timeline (2007)
Manuel B. Miranda (070301-EI – FPL)	FPL	MBM-4	FPL Storm Hardening Plan (total 490 pages – 070301-EI)
Manuel B. Miranda (070301-EI – FPL)	FPL	MBM-5	FPL Storm Hardening Plan (total 250 pages – 070301-EI)

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Manuel B. Miranda (070301-EI – FPL)	FPL	MBM-6	FPL Storm Hardening Plan – Part 1 of 2 (pages 1 - 600 – 070301-EI) Part 2 of 2 (pages 601 - 1254 – 070301-EI)

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

X. PROPOSED STIPULATIONS

1. All parties to all dockets have stipulated to approval by the Commission of the Process to Engage Third-Party Attachers which was filed on September 26, 2007, identified as document no. 08835-07, in all dockets.
2. As referenced in Section VIII, above, the parties have reached stipulations on several issues. Intervenors who have not affirmatively agreed with a particular stipulation but otherwise take no position on the issue are identified in the proposed stipulation.

**DOCKET NO. 070297-EI – TAMPA ELECTRIC COMPANY**

**ISSUE 1:** Does the Company's Plan address the extent to which, at a minimum, the Plan complies with the National Electric Safety Code (ANSI C-2) [NESC] that is applicable pursuant to subsection 25-6.0345(2), F.A.C.? [Rule 25-6.0342(3)(a)]

Stipulation: Yes. The Company's Plan addresses the extent to which, at a minimum, the Plan complies with the NESC and yes, the Plan complies at a minimum with NESC. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, TCG)

**ISSUE 2:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for new distribution facility construction? [Rule 25-6.0342(3)(b)]

Stipulation: Yes. Tampa Electric's Plan reasonably addresses the extent to which the extreme loading standards are adopted for new distribution facility construction. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, Embarq, TCG, Verizon)

**ISSUE 3:** Does the Company's Plan address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for major planned work on the distribution system, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule distribution facility construction? [Rule 25-6.0342(3)(b)2]

Stipulation: Yes. Tampa Electric's Plan reasonably addresses the extent to which the extreme loading standards are adopted for major planned work on the distribution system. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, Embarq, TCG, Verizon)

**ISSUE 4:** Does the Company's Plan reasonably address the extent to which the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC are adopted for distribution facilities serving critical infrastructure facilities and along major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations? [Rule 256.0342(3)(b)3]

Stipulation: Yes. Tampa Electric's Plan reasonably adopts EWL only for limited critical infrastructure pilot projects identified in its Plan. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, Embarq, TCG, Verizon)

**ISSUE 5:** Does the Company's Plan address the extent to which its distribution facilities are designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges? [Rule 25-6.0342(3)(c)]

Stipulation: Yes. Tampa Electric reasonably addresses the extent to which its distribution facilities are designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, Embarq, TCG, Verizon)

**ISSUE 6:** Does the Company's Plan address the extent to which the placement of new and replacement distribution facilities facilitate safe and efficient access for installation and maintenance pursuant to Rule 25- 6.0341, F.A.C? [Rule 25-6.0342(3)(d)]

Stipulation: Yes. Tampa Electric's Plan reasonably addresses the extent to which the placement of new and replacement distribution facilities facilitate safe and efficient access for installation and maintenance. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, Embarq, TCG, Verizon)

**ISSUE 8:** Does the Company's Plan provide a detailed description of the communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and along major thoroughfares pursuant to subparagraph (3)(b)3. are to be made? [Rule 25-6.0342(4)(b)]

Stipulation: Yes, assuming the process to engage third party attachers is approved. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, TCG)

**ISSUE 9:** Does the Company's Plan provide a detailed description of the extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exist? [Rule 25-6.0342(4)(c)]

Stipulation: Yes, assuming the process to engage third party attachers is approved. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, TCG)

**ISSUE 10:** Does the Company's Plan provide a reasonable estimate of the costs and benefits to the utility of making the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages? [Rule 25-6.0342(4)(d)]

Stipulation: Yes, assuming the process to engage third party attachers is adopted. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, Embarq, TCG, Verizon)

**ISSUE 11:** Does the Company's Plan provide an estimate of the costs and benefits, obtained pursuant to subsection (6) below, to third-party attachers affected by the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages realized by the third-party attachers? [Rule 25-6.0342(4)(e)]

Stipulation: Yes, assuming the process to engage third party attachers is adopted. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, TCG)

**DOCKET NO. 070299-EI – GULF POWER COMPANY**

**ISSUE 27:** Does the Company's Plan address the extent to which, at a minimum, the Plan complies with the National Electric Safety Code (ANSI C-2) [NESC] that is applicable pursuant to subsection 25-6.0345(2), F.A.C.? [Rule 25-6.0342(3)(a)]

Stipulation: Yes. Gulf's Storm Hardening Plan complies with the National Electric Safety Code. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T)

**ISSUE 31:** Does the Company's Plan address the extent to which its distribution facilities are designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges? [Rule 25-6.0342(3)(c)]

Stipulation: Yes. Gulf has developed overhead and underground distribution storm hardening specifications to mitigate damage due to flooding and storm surges. These specifications are shown in Appendices 5 and 6 of Gulf's Storm Hardening Plan. In addition, Gulf is currently working on several distribution pilot projects in potential storm surge areas to test the effectiveness of mitigation techniques. Current pilot projects include the installation of below-grade gear, along with heavy lids and anchoring systems on flush-mounted switch enclosures. Gulf will continue to utilize stainless steel equipment in all coastal areas as it's done for many years. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, Embarq)

**ISSUE 32:** Does the Company's Plan address the extent to which the placement of new and replacement distribution facilities facilitate safe and efficient access for installation and maintenance pursuant to Rule 25-6.0341, F.A.C.? [Rule 25-6.0342(3)(d)]

Stipulation: Yes. Gulf Power has always recognized that accessibility to distribution facilities is essential to safe and efficient maintenance and storm restoration. Gulf continues to promote placement of facilities adjacent to public roads; to utilize easements, public streets, roads and highways; obtain easements for underground facilities; and to use right-of-ways for conversions of overhead to underground. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T, Embarq)

**DOCKET NO. 070301-EI – FLORIDA POWER & LIGHT COMPANY**

**ISSUE 40:** Does the Company's Plan address the extent to which, at a minimum, the Plan complies with the National Electric Safety Code (ANSI C-2) [NESC] that is applicable pursuant to subsection 25-6.0345(2), F.A.C.? [Rule 25-6.0342(3)(a)]

Stipulation: Yes. FPL's distribution facilities comply with, and in most cases exceed, the minimum requirements of the NESC. FPL's transmission structures also comply with the NESC. (The following parties do not affirmatively stipulate this issue but take no position on the issue: AT&T)

XI. PENDING MOTIONS

There are no pending motions at this time.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality matters at this time.

XIII. POST-HEARING PROCEDURES

If no bench decision is made, each party shall file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of this Prehearing Order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, F.A.C., a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages and shall be filed at the same time.

XIV. RULINGS

1. MUUC's Petition to Intervene in Docket No. 070299-EI, filed September 20, 2007, was granted.
2. Witness summaries shall be limited to five minutes.
3. Opening statements, if any, shall not exceed five minutes per party.

It is therefore,

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 28th day of September, 2007.



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NANCY ARGENZIANO  
Commissioner and Prehearing Officer

( S E A L )

KEF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.