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DISTRIBUTION CENTER
2425 Sunrise Key Blvd.
Fort Lauderdale, FL 33304-3827
Tel: (954) 463-2128
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060172-EU

Ms. Blanca S. Bayo
Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0862

July 20, 2006

Dear Ms. Bayo,

Rule 25-6.115

As provided for in the Florida Public Service Commission Notice of Rulemaking relating to Docket No. 060172-EU, I am attaching my comments on the proposed amendments to Rule 25-6.115 and requesting a hearing of the proposed changes to this rule at the Hearing set for August 31, 2006.

Yours sincerely,



Trevor G. Underwood

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FPSC-COMMISSION CLERK

July 20, 2006

Florida Public Service Commission Docket 060172-EU

Comment of Trevor Underwood, resident of the City of Fort Lauderdale, regarding the proposed amendments to Rule 25-6.115 relating to Facility Charges for Providing Underground Facilities of Public Distribution Facilities Excluding New Residential Subdivisions.

As discussed in the Florida Public Service Commission (FPSC) Staff Memorandum dated June 8, 2006, and reflected in the subsequent Notice of Rulemaking issued by the FPSC on June 28, 2006, some of the proposed changes to Rule 25-6.115 involved clarifying that this rule only applied to investor-owned electric distribution facilities (though the Memorandum stated that "Subsection (1) clarifies that the rule applies to investor-owned electric utilities and to distribution facilities" which is not necessarily the same thing as investor-owned electric distribution facilities. As neither this nor any other Rule appears to cover a proposal that I am presenting next week to the City of Fort Lauderdale to Municipalize and Underground the Local Utilities Distribution Systems for Electricity, Telephone, Internet Access and Cable Services it would be helpful to obtain clarification on how the creation of a new municipally-owned underground local utilities distribution system to replace the existing investor-owned distribution systems at the termination of the current municipal franchises might be addressed.

The primary objectives of my proposal are (a) to underground the local utility distribution system for electricity, telephone, Internet access and cable services throughout the City to ensure greater reliability in the future; (b) to facilitate open access to multiple suppliers in a fully competitive environment for electricity, telephone, Internet access and cable services to reduce costs and improve the quality of service; (c) to remove the dependency on restricted access and price regulation for these services; and (d) to achieve these objectives at no cost to residents of the City of Fort Lauderdale either in the form of non-refundable deposits, CIACs, rate increases, surcharges or taxes. The latter would be achieved through a municipally owned authority funding the construction with a bond issue and servicing the interest and capital repayments on the bond from rental income charged to the providers of the various services. The cost reduction, increased income and other benefits achieved through a more competitive environment, a more robust local distribution system and the avoidance of duplication of local distribution costs should easily outweigh the amortized cost of constructing a uniform local utilities distribution system. At the same time it would achieve locally the objectives of recent bills before the Florida House of Representatives and Senate aimed at opening up the market for cable services to more competition whilst providing protections against 'build-out' and 'cherry-picking' that those bills failed to address.

Whilst Rule 25-6.115 can properly be restricted to investor-owned electric distribution facilities or to investor-owned electric utilities and to other owners of existing distribution facilities it would be helpful to clarify whether there is any requirement for rules governing the construction of a new underground municipally owned or municipally

controlled local utilities distribution system to replace existing investor-owned local distribution facilities at the termination of existing municipal franchises.

I would like to formally request these comments be considered under the proposed rule change for Rule 25-6.115 and that Rule 25-6.115 be included in the Hearing scheduled for August 31, 2006, so that this situation can properly be addressed.