

**Antonia Hover**

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**From:** Ellen Plendl  
**Sent:** Monday, June 21, 2021 1:22 PM  
**To:** Consumer Correspondence  
**Subject:** Docket No. 20210015  
**Attachments:** FPL electrical grid infrastructure vulnerability to hacking; spiraling out-of-control rate increases; FPL safety issues with electrical infrastructure; Consumer Inquiry - Florida Power & Light Company

See attached customer correspondence and FPSC reply for Docket No. 20210015.

## Antonia Hover

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**From:** Beatrice Balboa <beatricebalboa@gmail.com>  
**Sent:** Monday, June 21, 2021 9:40 AM  
**To:** Ellen Plendl  
**Subject:** FPL electrical grid infrastructure vulnerability to "hacking"  
**Attachments:** How safe is FPL from cyberattack\_ - South Florida Sun-Sentinel.pdf

21 June 2021 0945 hours

To whom it may concern,

I am writing due to the large possibility that the Florida Power & Light Co. electrical grid infrastructure can be "hacked" and manipulated by criminal elements throughout the City of Pompano Beach, Broward County and/or the State of Florida as indicated by the attached news media article. Vulnerable members of society such as the sickly, elderly and young may be at risk. Please contact FPL to seek assurances of their due diligence and responsibilities to the ratepayers throughout the State of Florida.

Sincerely  
Beatrice Balboa  
1010 South Ocean Boulevard unit 1008  
Pompano Beach Florida 33062-6631  
USA

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BUSINESS

## FPL says cyberattack threats will exist 'forever'

By **RON HURTIBISE**  
SOUTH FLORIDA SUN SENTINEL | JUN 20, 2021

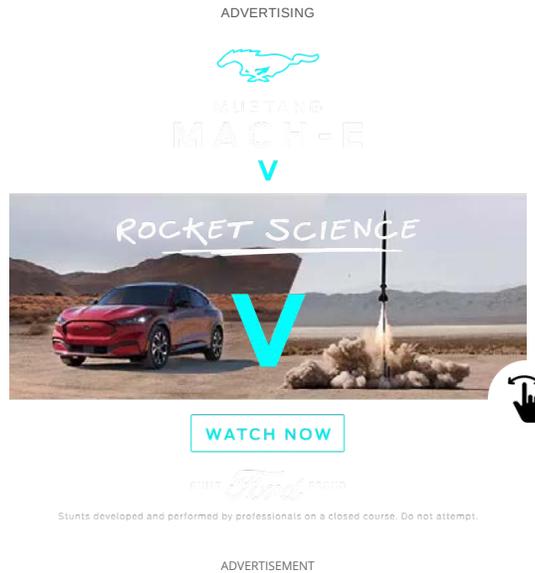


A Florida Power and Light lineman works on a power line in October 2019. (Susan Stocker / South Florida Sun Sentinel)

Foreign criminals are working relentlessly to disrupt the computer networks that manage America's energy, water and food delivery systems. Some do it to commit terrorism. Some seek cheap thrills. Others extort companies into paying millions of dollars in ransom.

Eric Silagy, president and CEO of Florida Power & Light, acknowledges that threats of cyberattacks against FPL and other critical suppliers are likely to last “forever.”

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But he says FPL’s 5.6 million customers should be confident that the utility is making every effort it can — including subjecting the company’s employees to surprise cyberattack drills — to prevent breaches that could shut down its power grid.

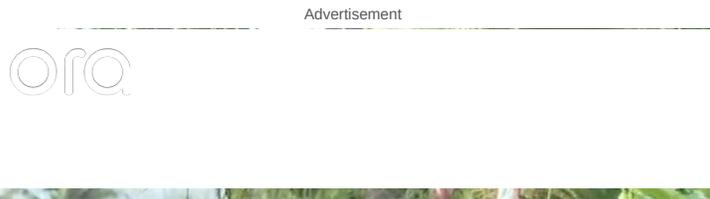
Recent attacks on a critical oil pipeline in the Southeast, a meat processing company in Colorado, and even a small city-owned water system in Pinellas County have exposed the nation’s vulnerabilities to foreign hackers, prompting Congress, the president and corporate leaders to announce expensive, high-level initiatives to protect electric utilities across the country.

While FPL and other large utilities have built strong defenses against web-based intrusions, experts warn that their connections to smaller, municipal-owned or cooperative utilities that can’t devote comparable resources to defending themselves could pose a risk to large companies’ grids.

Silagy says his company has long treated the potential of a web-based attack as a serious threat. He acknowledged that connections with small, less-protected utilities are a risk, but he says any disruption would be minimal.

[RELATED: Cyber risk shuts down Broward school computer programs »](#)

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The advertisement shows the 'ofa' logo in a stylized, lowercase font. Below the logo is a horizontal line with a green and yellow gradient. At the bottom of the ad is a small, horizontal image strip showing a close-up of green leaves.

“We have a dedicated team of people that are involved with this, that are cyber experts that we have hired from ... mostly the federal government. These are NSA and CIA and some special operatives that come out of the military. We have a lot of IT specialists. We actually have a cyber-defense operations center that monitors everything 24 hours a day, seven days a week.”

Silagy says he’s confident in the company’s ability to prevent hackers from accessing the utility’s control system. And if one gets through, Silagy says, the company can prevent any breach from cascading across its grid and shutting down power across its service area, which stretches from Pensacola to South Florida.

Silagy answered questions about FPL’s cyber defenses in a June 1 discussion with the South Florida Sun Sentinel editorial board that covered a wide range of topics. FPL officials asked that specific aspects of the company’s strategies not be revealed to the public, saying that even seemingly innocuous details could be valuable to criminals seeking to take control of the utility’s grid.

“The threat is very real and it’s serious,” FPL spokesman Christopher McGrath said.

## **Nation wakes up to potential for disaster**

The severity of threats facing the nation’s utility grid is not a secret, however.

In April, the Biden administration launched a coordinated effort to enhance the cybersecurity of electric utilities’ control systems by working with utilities “to implement measures or technology that enhance their detection, mitigation and forensic capabilities.” The effort will be coordinated across several federal agencies, including the Cybersecurity and Infrastructure Security Agency and the Department of Energy.

Announcing the effort, Energy Secretary Jennifer Granholm said: “The United States faces a well-documented and increasing cyber threat from malicious actors seeking to disrupt the electricity that Americans rely on to power our homes and businesses. It’s up to both government and industry to prevent possible harms.”

[RELATED: Hackers may have stolen patient information from University of Miami Health System in ransomware attack »](#)

Tom Fanning, CEO of Southern Company, an Atlanta-based regional electricity and gas provider, told a gathering of the Edison Electric Institute trade group on June 10 that utilities must start working together to ensure each can recover from a massive blackout that could shut down power to entire regions of the country, according to a report by the industry trade website Utility Dive.

His remarks came on the same day that the House Energy and Commerce Committee advanced four bipartisan bills aimed at shoring up the nation’s energy cybersecurity through enhanced public-private partnerships.

A major part of the effort, Fanning said, would involve enlisting the U.S. Department of Defense, FBI, Secret Service and Cyber Command to “impose costs” for hackers. “We want to make sure the bad guys understand there will be consequences for messing with us,” he said.

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## **Security requires constant vigilance**

Web-based criminals are not going to stop trying to breach the nation’s power supply anytime soon, Silagy said. “We should be very honest with ourselves and say cyber is going to be an ongoing issue forever. And you have some very sophisticated state-sponsored folks engaged in foul play in the cyber area, and

there always are attempts to wreak some havoc.”

FPL’s email system, he said, receives an average of 120 million emails a month, most of which are filtered out as common spam. To combat those that elude FPL’s spam filters, the utility engages in extensive training exercises that involve deliberately sending phishing emails to find out which employees will click on types of links that could provide criminals a pathway into FPL’s network.

While modern technology can enhance FPL’s operations, “some of it creates new doors and entry points if you’re not careful,” Silagy said. “Before we deploy any new technology, one of the very first things we do is, we have to design in security measures to make sure that can stay secure when it’s deployed in the field.”

[RELATED: Here’s how much your FPL bill jumped beginning in May »](#)

Cyber drills involving utility employees are taken as seriously as FPL takes its annual hurricane preparedness drills, he said.

They involve conducting exercises “where our business units and our leaders don’t know what’s going to happen,” he said. “Because I want to test people’s reactions. I want to understand their decision-making — what they do, how they do it, why they do it. And do they make decisions that actually thwart it, isolate it, kill it or help it spread? And I’d much rather learn those hard lessons in a drill than in the real thing.”

Large utilities such as FPL are more likely than smaller ones to have strong defenses against web-based attacks, a report by Moody’s Investors Services concluded in November after studying responses of 115 utilities that took part in a survey. Smaller, not-for-profit municipal-owned and cooperative electric companies, by contrast, are less likely to invest in the personnel and technology needed to maintain robust defenses and are more likely to rely on insurance policies to cover any damage caused by an attack, Moody’s said.

A 2019 Wall Street Journal investigation found that Russian hackers were able to find back doors into some utilities’ industrial control systems in 2016 by targeting obscure contractors and subcontractors that work with the utilities. Those companies, the paper said, had little reason to think of themselves as targets and thus were more likely to click on email attachments that installed malware onto their computers.



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That malware installed code that wormed its way past utilities’ firewalls and into poorly secured “jump boxes” connecting corporate networks to otherwise walled-off control systems. The effort targeted at least 60 utilities in 24 states, managed to breach two dozen, and reached industrial control systems of at least eight utilities, the Journal reported.

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## Smaller utilities most vulnerable

Smaller utilities often lack staffing to focus on cybersecurity, said Lee Simonovich, vice president and global head of industrial cyber and digital security at Siemens Energy AG, in a story published by E&E News in February. City-owned utilities or small electric cooperatives might have just one cybersecurity specialist in their organizations, he said, and a breach at a small utility could provide a pathway into a larger system.

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FPL is connected to numerous small utilities throughout Florida. It has a transmission line that feeds power at peak times to customers of Gainesville Regional Utilities. It shares ownership of a Georgia coal-fired generating unit with JEA, a community owned utility that serves 417,000 electric customers in the Jacksonville area. And it sells electricity at wholesale prices to numerous city-owned utilities or non-profit cooperatives throughout the state.

[RELATED: Florida stacks deck against public in FPL rate case | Editorial »](#)

A JEA spokeswoman contacted for this story said the utility has a “layered defense security program,” conducts “ongoing training to improve our cybersecurity posture” and continually monitors external cybersecurity intelligence sources and takes appropriate measures to block known threats.

Silagy said that he couldn’t say with certainty that FPL’s grid would not be affected if a smaller utility is compromised in a cyberattack.

“But I feel pretty certain that it would be isolated,” he said. “It’s a hypothetical that is hard to answer because I don’t know what the level of attack is or what it isn’t, but I don’t rely on Gainesville or Jacksonville to keep the lights on. If they lost their whole system, it wouldn’t cause a problem for us being able to keep our lights on.”

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By RICH WARD/GOYEN

 NY DAILY NEWS

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## Antonia Hover

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**From:** Beatrice Balboa <beatricebalboa@gmail.com>  
**Sent:** Monday, June 21, 2021 1:13 PM  
**To:** Ellen Plendl  
**Subject:** spiraling out-of-control rate increases  
**Attachments:** FPL rate hearings slated.pdf; 'Now is not the time' for an FPL rate increase, advocates say.pdf; FPL seeks rate increase; opponents say it's not a good time.pdf

21 June 2021 1330 hours

Ellen Plendl  
Regulatory Consultant  
Florida Public Service Commission  
Office of Consumer Assistance & Outreach  
1-800-342-3552 (phone)  
1-800-511-0809 (fax)

To whom it may concern,

I am writing regarding the latest news media reports underscoring the woeful and disastrous state of the electrical grid throughout the State of Florida, despite strong documentation indicating such problems exist. To compound FPL deep contempt and disrespect of the hardworking taxpayers residents of the State of Florida, documented allegations of overbilling, overcharging and overwhelming electrical rates, surcharges, and fees (Florida Power & Light (FPL) is asking for a \$2 billion increase!) are contributing to a pervasive climate of complete distrust between customers of FPL and the FPL Corporation. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these egregious concerns potentially impacting adversely the public's safety, health, finances, policies, trust, confidence, and quality of life issues. Thank you for your time in these matters and hope to hear from you soon.

Sincerely,  
Beatrice Balboa  
1010 South Ocean Boulevard, Unit 1008  
Pompano Beach, Fl 33062-6631  
USA

# FPL rate hearings slated

**The proposal calls for a \$1.1B increase in base-rate revenues next year.**

The state Public Service Commission is scheduled June 21 to begin a series of online customer hearings about a proposal that would lead to base-rate increases for **Florida Power & Light**.

The commission has scheduled a dozen **online hearings** from June 21 to July 2, according to a notice posted on the commission website.

FPL in March filed **a four-year rate proposal**, which needs commission approval. The proposal calls for a \$1.1 billion increase in base-rate revenues in 2022 and a \$607 million increase in 2023. It also calls for a \$140 million increase in 2024 and a \$140 million increase in 2025 to pay for **solar-energy projects**.

The proposal also is designed to continue carrying out FPL's **merger** with Northwest Florida's Gulf Power, which formally took effect Jan. 1.

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## LOCAL NEWS

# 'Now is not the time' for an FPL rate increase, advocates say

**Christina Vazquez**, Reporter

Published: **June 16, 2021 8:09 pm**

Updated: **June 17, 2021 7:32 am**

Tags: **FPL, Consumer, Florida, Miami-Dade County, Miami**





electricity starting next year.

MacKenzie Marcelin is a community organizer in Miami-Dade County with **Florida Rising**, a political organization that focuses on marginalized communities.

Marcelin said he and other advocates want to prevent the Florida Power & Light company from convincing state regulators to support a phased-in four-year base rate increase.

“We just really want to say now is not the time,” Marcelin said, adding the coronavirus pandemic caused many households to fall behind on their bills. “We need to make sure community members are involved in this process.”

Volunteers with **Catalyst Miami**, a social services organization, are distributing flyers urging Miami residents to speak out against the rate increase during virtual public service commission hearings.

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FPL, a subsidiary of NextEra Energy, tracked the pandemic’s customer impact, provided payment arrangement options and claims the raise is needed to cover costs for trucks, wire and employee healthcare.

“Even with our proposed rate increase, FPL’s typical residential bill would remain well below the national average through 2025,” a spokesperson for FPL wrote in a statement.

The utility’s last base rate increase was determined through a settlement agreement with the Florida Public Service Commission in 2016.

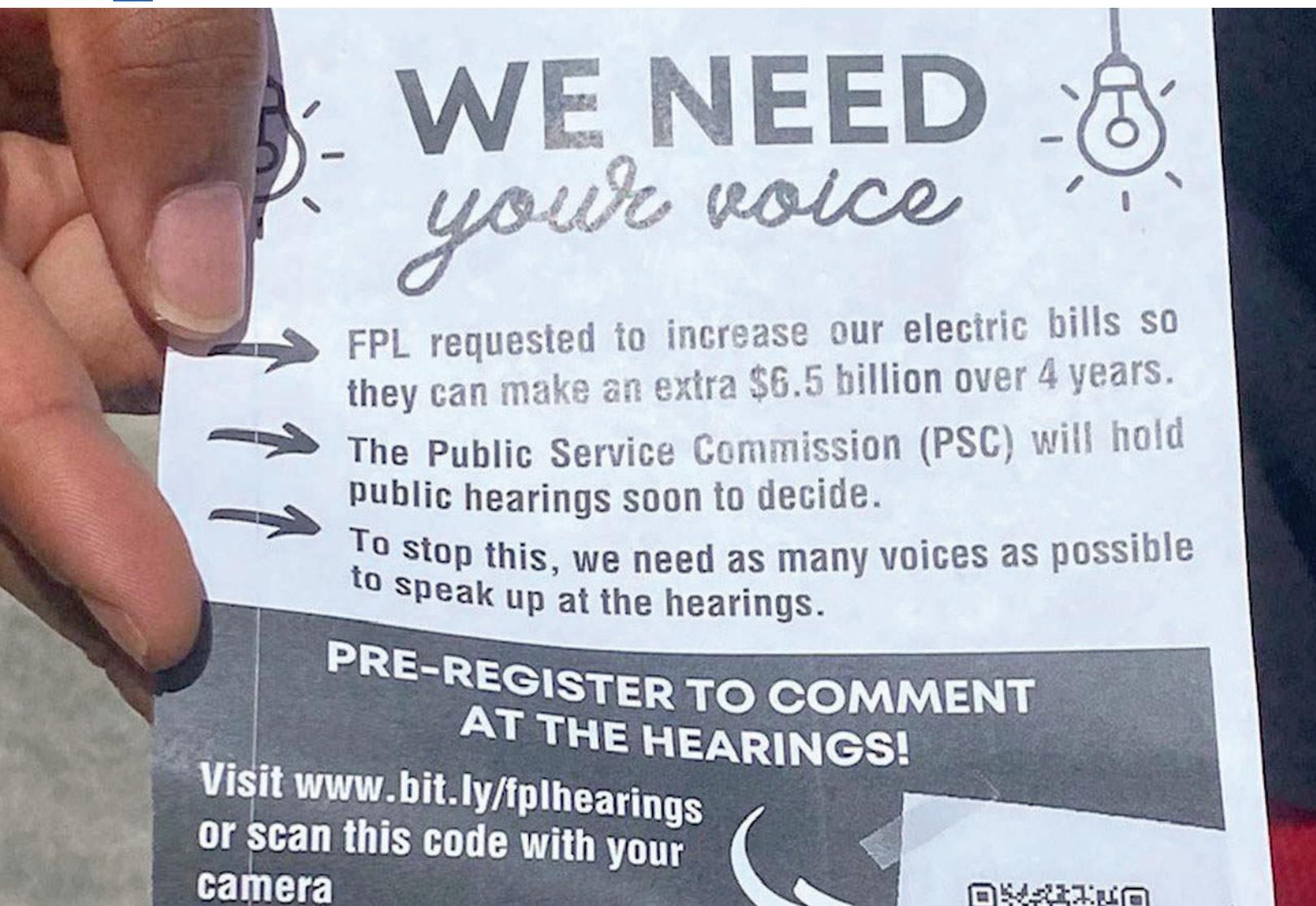


# FPL 1,000-kWh Residential Bill Projections 2022-2025

Period	Bill
Jan. 2006	\$108.61
Jan. 2021	\$99.05
Jan. 2022 <i>(projected)</i>	\$109.58
Jan. 2023	.

## Related links

- [Here is how to sign up for public comments](#)
- [Read FPL's statement about proposed rate increase](#)
- [Read the 2016 settlement agreement with the Florida Public Service Commission](#)



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## ABOUT THE AUTHOR:



### [Christina Vazquez](#)

Christina returned to Local 10 in 2019 as a reporter after covering Hurricane Dorian for the station. She is an Edward R. Murrow Award-winning journalist and previously earned an Emmy Award while at WPLG for her investigative consumer protection segment "Call Christina."

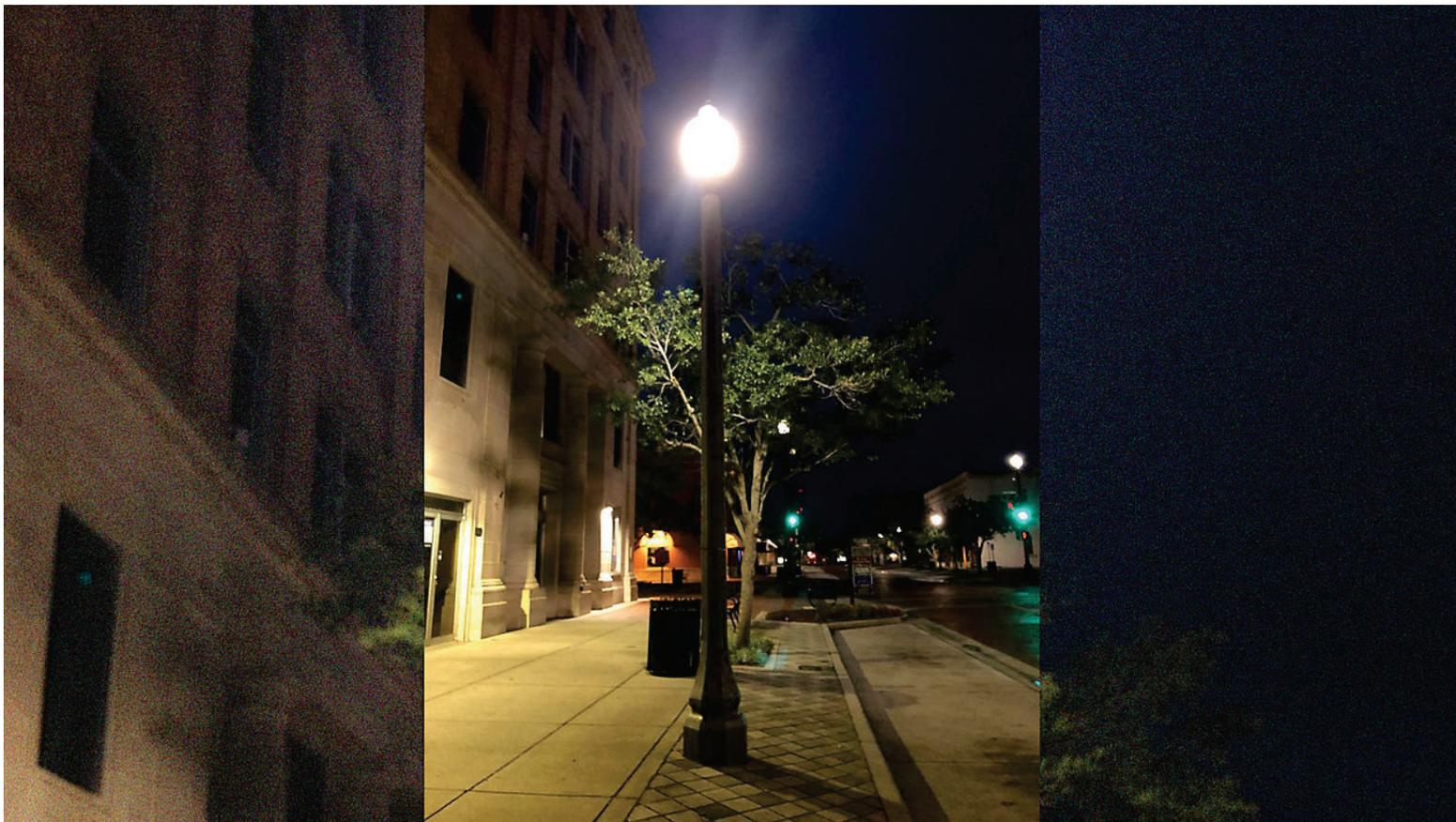
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RATE HIKE DISCUSSION

## FPL seeks rate increase; opponents say it's not a good time

BY [RACHAEL KRAUSE](#) | SEMINOLE COUNTY

UPDATED 9:08 AM ET JUN. 21, 2021

How much some Central Floridians pay to power their homes could soon be going up: Florida Power and Light, which serves 5.6-million customers across Florida, is asking for approval to raise rates for the next four years.

### What You Need To Know

- [FPL](#) is calling for a series of rate increases over the next four years
- Eventually, the average resident may end up paying an extra \$18 a month
- Customers say the rate hike comes at a bad time due to the pandemic

FPL, a subsidiary of NextEra Energy, wants a series of rate hikes over the next four years that would eventually have the average resident paying an extra \$18 a month to keep the lights on.

But, just from this year to next year, the rate increases would tack on an extra \$10.50 a month to people's bills.

FPL has customers in parts of several Central Florida and Tampa Bay-area counties.

People around the state are concerned about these potential rate increases, saying the situation with COVID-19 already put many households behind on their bills as it is.

"We just really want to say now is not the time," community activist MacKenzie Marcelin told WPLG.

FPL officials said these rate increases are needed to cover \$29 billion in investments. But critics, including the AARP, argue people's money would be going into the pockets of FPL's investors.

In a statement on its website, FPL said: "Typical FPL residential customer bills are expected to remain well below the national average through 2025, even with the proposed rate adjustments."

There will be a series of [virtual hearings held with the Florida Public Service Commission](#), giving residents a chance to speak about potential rate hikes.

The first meeting was scheduled for 10 a.m. Monday.



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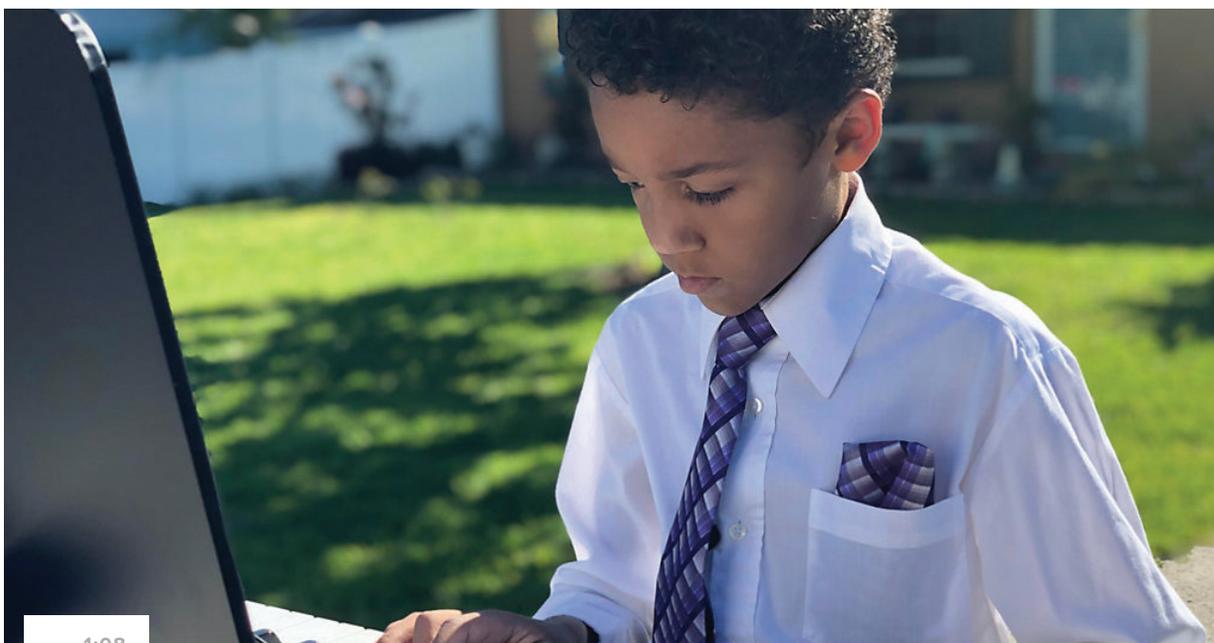
TAMPA | 2 HOURS AGO



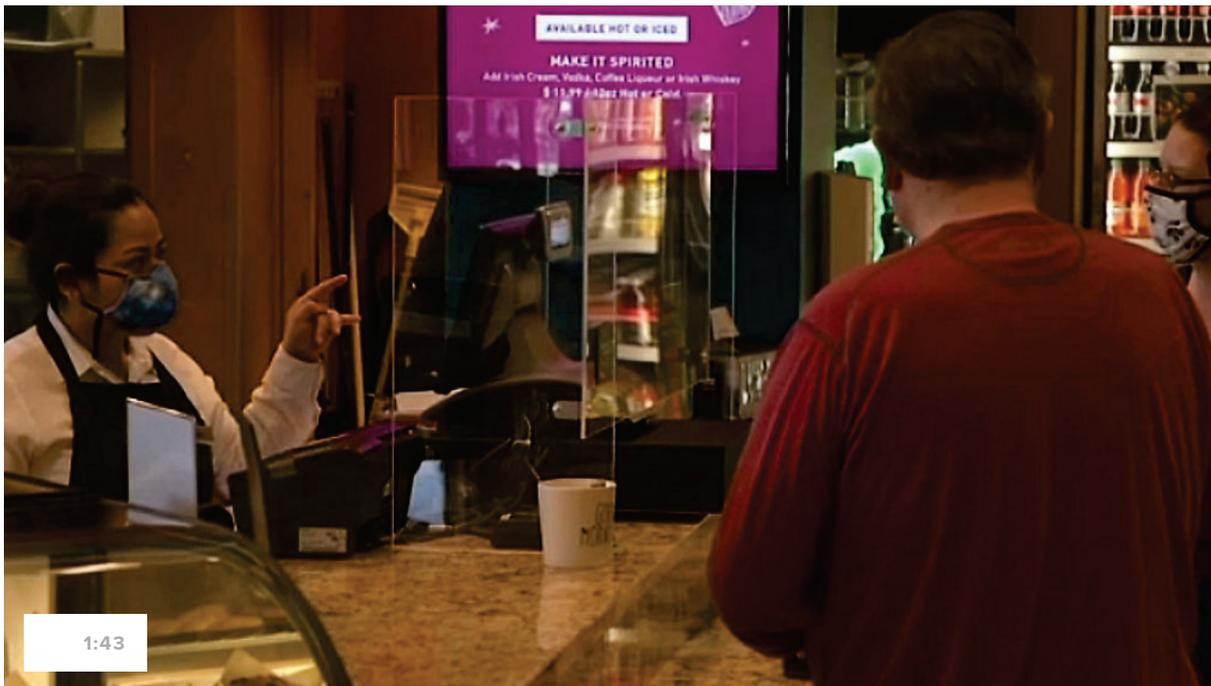
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**From:** Beatrice Balboa <beatricebalboa@gmail.com>  
**Sent:** Monday, June 21, 2021 1:15 PM  
**To:** Ellen Plendl  
**Subject:** FPL safety issues with electrical infrastructure  
**Attachments:** FPL has the highest number of deaths among Florida's power companies.pdf

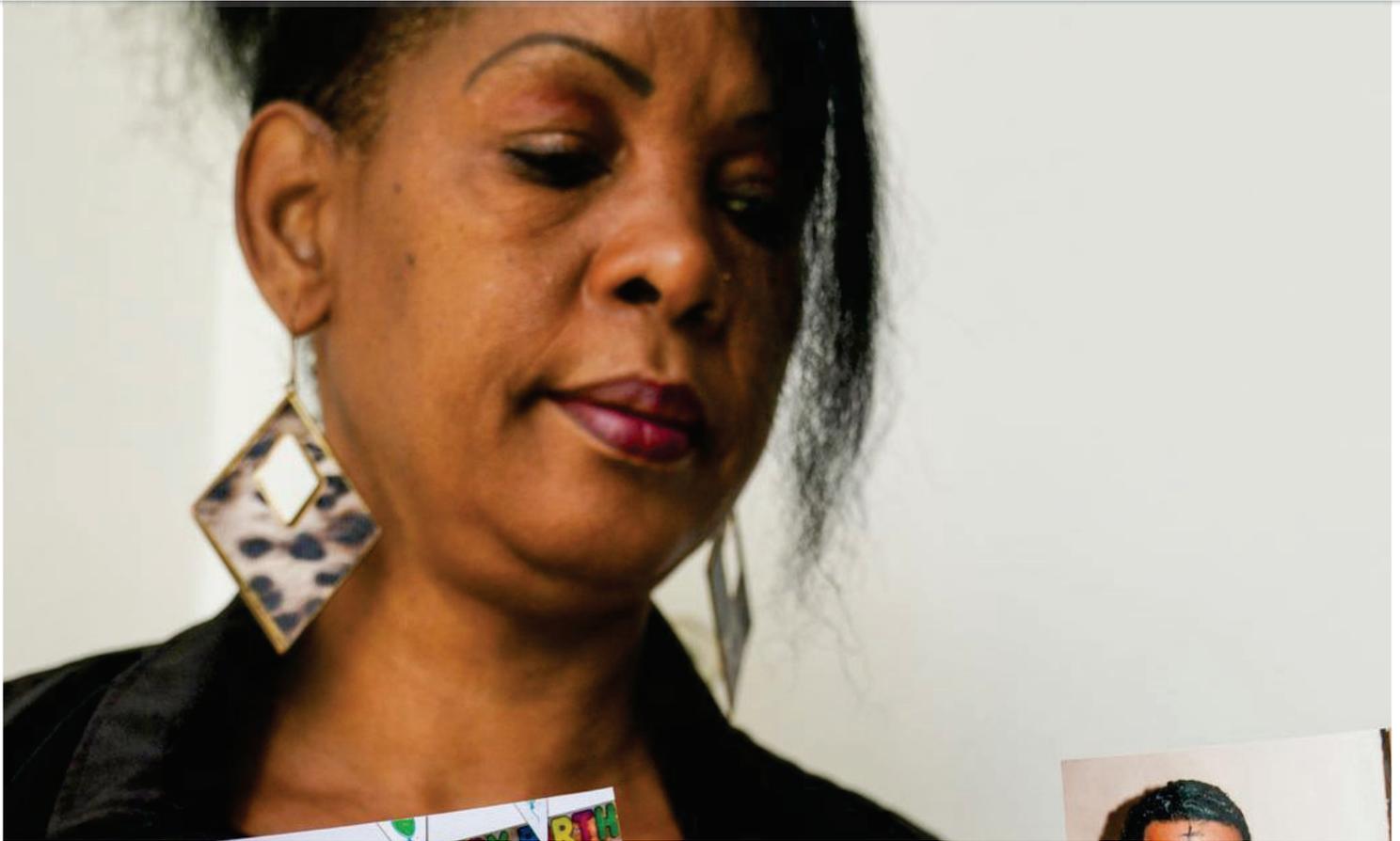
21 June 2021 1330 hours

Ellen Plendl  
Regulatory Consultant  
Florida Public Service Commission  
Office of Consumer Assistance & Outreach  
1-800-342-3552 (phone)  
1-800-511-0809 (fax)

To whom it may concern,

I am writing regarding the latest news media reports underscoring the extreme unsafe (causing death and destruction), woeful and disastrous state of the electrical grid throughout the State of Florida, despite strong documentation indicating such problems exist. To compound FPL deep contempt and disrespect of the hardworking taxpayers residents of the State of Florida, documented allegations of overbilling, overcharging and overwhelming electrical rates, surcharges, and fees (Florida Power & Light (FPL) is asking for a \$2 billion increase!) are contributing to a pervasive climate of complete distrust between customers of FPL and the FPL Corporation. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these egregious concerns potentially impacting adversely the public's safety, health, finances, policies, trust, confidence, and quality of life issues. Thank you for your time in these matters and hope to hear from you soon.

Sincerely,  
Beatrice Balboa  
1010 South Ocean Boulevard, Unit 1008  
Pompano Beach, Fl 33062-6631  
USA



## More people have died around Florida Power & Light's lines than any other Florida utility

Magaly Terry-Gonzalez shows pictures of her husband, Eliseo De La Guardia, who died in 2013 when he was electrocuted by a power line while picking avocados. | [MARTHA ASENCIO-RHINE | Times] |

A Tampa Bay Times analysis found that Florida Power & Light reported about six times the number of deaths from people touching or interacting with plants around homes as the state's other utilities combined.

By **Malena Carollo**

Published Jun. 17

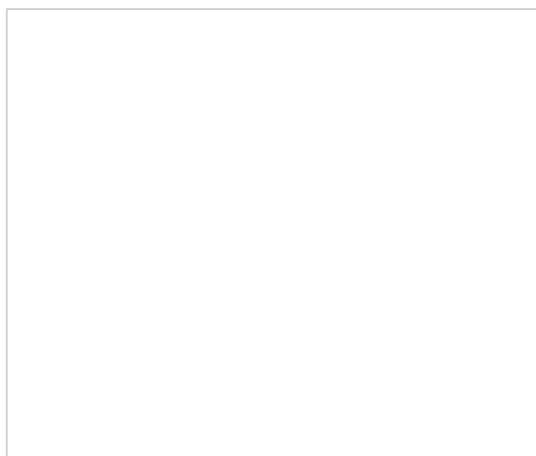
Updated Yesterday

Eliseo De La Guardia was climbing an avocado tree behind a Broward County duplex when the limb he was balancing on got too close to a power line carrying 7,620 volts. The contact sent electricity through his body.

For years, neighbors had complained to the power company that the lines dividing the small block's backyards were choked by tree limbs. When branches touched the lines, home lights dimmed and electricity visibly jumped from one stretch to another. And when the wind blew, the avocado tree's branches would hit the wires and spark.

Florida Power & Light, which provides electricity to about half of the state, knew of at least nine times trees on that block interfered with power lines in the years leading up to the accident, according to court records. But when De La Guardia climbed the avocado tree to pick fruit in January 2013, the company hadn't performed routine trimming there for 15 years.

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Two days later, De La Guardia died from his injuries. He was 42.



Magaly Terry-Gonzalez's husband Eliseo De La Guardia died in 2013 when he was electrocuted by a power line while picking avocados. She is pictured here in April. | [MARTHA ASECIO-RHINE | Times] [ MARTHA ASECIO-RHINE | Times ]

People are electrocuted at a higher rate in Florida Power & Light's service area than almost any other electricity provider in the state, a *Tampa Bay Times* analysis found. The only two that outpaced it were small power companies serving areas of north Florida.

Over a 13-year period through 2020, Florida Power & Light reported 118 deaths from people coming into contact with its power lines or other equipment, records show. That's more than double all the other electric companies in Florida combined. Hundreds more suffered life-altering injuries. The company's service area stretches from South Florida into Manatee County and parts of Central Florida.



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By [axonius.com](https://axonius.com)

Florida Power & Light says in court filings it does not investigate the accidents to discern patterns or identify ways to prevent them in the future. Nor does the state utility regulator tasked with safety.

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Replay

Those killed around vegetation were not people paid by the power company to work around electrical wires. They were people like De La Guardia picking fruit, a teenager climbing up stalks of bamboo or lawn maintenance workers hired by homeowners.

Such deaths and injuries spurred at least 42 lawsuits against the Juno Beach-based company, the *Times* found. In 14 of those cases, the people filing the lawsuit said the power company was aware of problems before the accident.

“The safety of our customers and workforce is our top priority, but it is a shared responsibility of everyone,” David Reuter, chief communications officer for the company, said in a letter to the *Times*. “We believe that any death is one too many when it concerns members of the public coming into contact with our equipment.”

Florida Power & Light is the third-largest power company in the country by customers served — about 5 million.

Despite recurring lawsuits and deaths, Florida Power & Light trims trees around neighborhood power lines less often than the state’s other investor-owned utilities and has fought proposals and ignored expert recommendations to trim more frequently, records show.

“The breakdown is Florida Power & Light,” said David Mishael, a lawyer who has

\*\*\*

Florida's power companies have one main goal — to keep the lights on. But the state's iconically lush trees and plants are among the biggest factors working against them.

Avocado trees can grow nearly 5 feet in a single year. Bamboo can grow several feet in a week.

Vegetation is consistently one of the top five causes of power outages in reports submitted each year by the state's investor-owned power companies, which serve most of the state's utility customers. Trees and plants caused 22 percent of the 150,000 outages in 2020 reported by Florida's five investor-owned power companies.

The *Times* analyzed incidents reported in the years after Florida Power & Light and its investor-owned peers were ordered by the state to begin what would become its current vegetation management program. All the state's utilities are required to report deaths, injuries and "significant" safety incidents involving their equipment to regulators.

More than a third of the injuries Florida Power & Light reported happened around homes when people were picking fruit, trimming trees or otherwise interacting with plants in yards.

Joe Diccio, 57, had complained to Florida Power & Light for months about a cluster of bamboo on the side of his Venice home. The former junior high teacher said he and his neighbor reported power outages at least six times after the swaying stalks touched nearby overhead lines. Things escalated in the spring of 2015 when the bamboo caught fire after touching the lines and later knocked them down. But after six months, the power company hadn't removed the stalks, and a Category 1 hurricane was expected in a matter of days.

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bamboo. His injuries, which ended his career, make it difficult for him to leave home for extended periods. Florida Power & Light has denied responsibility for Diccico's injuries in its response to a lawsuit Diccico has filed against the utility.

"I'm not the same person," Diccico told the *Times*.



Joe Diccico was seriously injured in August of 2015 when he fell off a ladder while attempting to trim some bamboo and impaled himself on a stalk that went up the inside of his leg, through his groin and into his abdomen, he claims in a lawsuit against Florida Power & Light that the utility is fighting. He is pictured here in his home in Venice. | [MARTHA ASECIO-RHINE | Times] [ MARTHA ASECIO RHINE | Times ]

Dozens of others died while climbing or trying to tame backyard vegetation that the utility company had not.

Daniel Gonzalez, 24, was hired to trim an almond tree that overhung a power line in a Dade County yard. The homeowner sought his services in 2015 after four calls to Florida Power & Light failed to draw a response, according to court documents from a lawsuit that followed.

As Gonzalez was finishing, he realized the tree had become electrified by the power lines. He warned his cousin, but it was too late for Gonzalez.

“I hear him tell me just, ‘D, the tree has electricity,’” David Acuna, his cousin, testified during the lawsuit. “And that’s the last I heard from him.” Florida Power & Light denied the allegations against it and the case was later settled.

Among the youngest electrocuted was Justin Dominguez, 15. Dominguez was playing with his cousins behind his neighbor’s Fort Myers home in 2011. He was the best tree climber in the family, his cousins said during court hearings afterward. To demonstrate his skills, he shimmied up a long cluster of bamboo.

Florida Power & Light knew the bamboo stalks caused outages and damage to the nearby lines. The company’s inspectors had ordered the bamboo to be removed three years earlier after attending to a downed line, court records show.

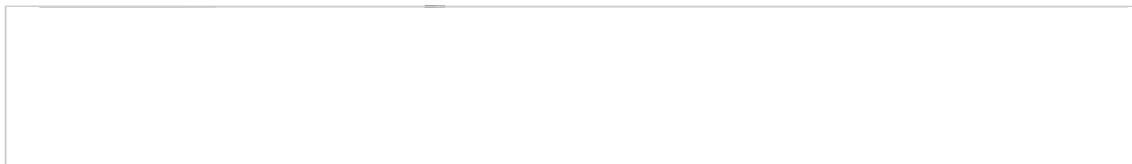
But it didn’t remove this one. The plant was so tall by the time Dominguez climbed it that it touched the power lines, shocking him. He died shortly afterward.

A jury found Florida Power & Light [liable for \\$23.75 million in a lawsuit that followed](#), including \$15 million in punitive damages. An appeals court [dismissed the punitive damages](#).

Most cases don’t make it as far as a trial. Twenty-seven of the cases the *Times* reviewed were closed as of June, 19 of which were settled for undisclosed terms.

Reuter, the Florida Power & Light spokesperson, said the company does not comment on pending or past litigation. But he disputed that Dominguez was “playing,” saying he was nearly two stories high on the bamboo 10 feet away from the power line when it made contact. His letter noted the utility’s death rate has remained relatively steady despite “significant” population growth.

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From January 2008 through 2020. \*Duke Energy Florida data includes its predecessor Progress Energy Florida. Chart source: Florida Public Service Commission. Created with Datawrapper [ MALENA CAROLLO | Times ]

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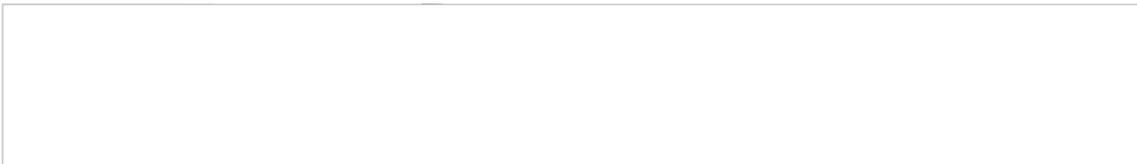
The Florida Public Service Commission, which regulates utilities, ordered investor-owned power companies to establish a consistent trimming schedule following devastating back-to-back hurricane seasons in 2004 and 2005. The commission recommended three years for power lines that run along main streets and three years on neighborhood lines, which run adjacent to homes.

Florida Power & Light asked for double the length — six years — on neighborhood lines.

One of the main drivers was cost, Florida Power & Light said at the time. The longer cycle, the company argued, would save \$30 million a year.

Regulators approved the company’s request, giving it one of the longest neighborhood trimming cycles of any of its peers in the state. Duke Energy trims its neighborhood lines every five years, while Tampa Electric and Gulf Power Co. both trim every four years. Only Florida Public Utilities Co., which has a small fraction of Florida Power & Light’s customer base, has a six-year cycle for neighborhood lines in its northern Florida territory.

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Years before regulators required a trim cycle, Florida Power & Light hired contractors to examine its vegetation management program. It was told by both that it needed to do more frequent tree trimming, according to reports contained in court filings. Both recommended

A company employee acknowledged the challenges in court testimony following the death of Gonzalez, the man hired to trim an almond tree in Dade County.

“You can’t trim a tree to keep it clear for six years,” Chris Halsey, an employee for Florida Power & Light called on in 2017 to testify in the case. “That was not going to happen just due to the way trees grow and their growth rate and a bunch of other factors.”

Benjamin Koubek, a worker for one of the power company’s vegetation management contractors, said in a 2015 court deposition that the utility told customers that neighborhood lines were trimmed an average of “four to six years.”

“But I know that that was not the case,” he said. Instead, some of those lines weren’t being trimmed at all, he said.

Koubek also said that he “knew for a fact that there was no trim history on certain” neighborhood lines.

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Yet in a report filed in early 2013 with the Florida Public Service Commission, Florida Power & Light said it had trimmed “100.3 percent” of its neighborhood lines since its new schedule was put into place in 2007.

The power company said performing routine trimming isn’t easy or welcome by many customers. Its workers, the company said, often encounter locked gates and dogs let out to deter them. Or they experience physical assault, including being spat on.

Sometimes, police are called on them and customers file lawsuits over trimming. That’s particularly true, Florida Power & Light said, for fruit and palm trees. The power company said its territory has more fruit trees than any other utility, and more vegetation generally.

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Dina Romero, center, is pictured with her son Saul, right. Her husband, Jose Saul Ochoa, left, was electrocuted while trimming trees in Dade County the day before his joint birthday party with his son. She is currently involved in a lawsuit over his death, in which Florida Power & Light denied the allegations against it. [Courtesy of Dina Romero] [ Dina Romero ]

When Florida Power & Light is sued over deaths and injuries, it often points the finger at customers and contractors.

The company's position is that once its contractors trim the trees around neighborhood lines, customers are supposed to keep those trees in check.

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Its customer agreements require that businesses and homeowners ensure any new trees planted are an appropriate species and distance from its lines. Florida Power & Light said it encourages this through its "Right Tree, Right Place" program to help guide customers and does outreach in multiple languages.

"Personal accountability by members of the public is the single most important driver of

for climbing the bamboo in the first place; the court ruled the utility was 70 percent at fault.

The utility often blames those performing the work for not having proper tools and equipment. And it blames the contractors it has worked with for years.

In many of the vegetation accident cases the *Times* reviewed, Florida Power & Light argued that if there is an issue with its vegetation management program, the companies it contracts with to perform the work are to blame.

In one instance, Florida Power & Light went after one of its main contractors, Lewis Tree, for settlement costs after someone died. The contractor refused to reimburse the utility in a case where an elderly man was electrocuted trimming a tree for a member of his church. Reached by phone, Lewis Tree declined to comment.

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Florida Public Service Commission officials said they only have the authority to ensure the poles and lines themselves are up to code. While they are aware of a general pattern of people dying or being injured while picking fruit, they only look for indications of equipment problems.

“The only way to fix that is to require the lines be even higher, but that’s going to be very expensive” and require other practical considerations, said Tony Velazquez, safety supervisor for the regulator. “You just can’t raise the lines like that so that people don’t do silly things.”



Pictured are power lines in Joe Diccio's neighborhood in Venice. | [MARTHA ASENCIO RHINE | Times]  
[ MARTHA ASENCIO RHINE | Times ]

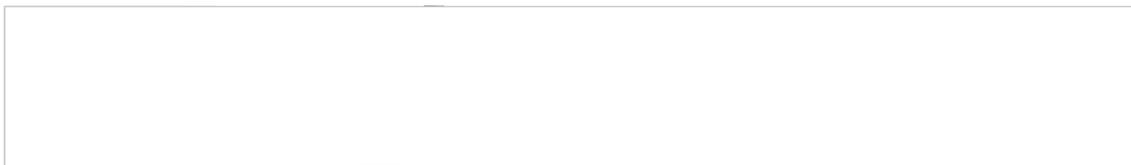
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The accidents that Florida Power & Light reports to regulators likely do not represent everyone who was injured or killed around homes.

The *Times* found one accident reported to regulators as an injury even though the person later died. Two other court cases describing injuries during tree trimming around power lines were not reported.

Last year, the power company reported 10 deaths, seven of which happened during tree trimming and fruit picking around homes.

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Eight years after her husband De La Guardia died, Magaly Terry-Gonzalez now lives in a modest apartment a few minutes' drive from the house they shared. Florida Power & Light denied the allegations against it in court, later settling with Terry-Gonzalez. She still

“I never forgot,” she said.

*Former staff writer Ileana Najarro contributed to this report.*

## Support local journalism

The *Tampa Bay Times* created a searchable database of the deaths and injuries that utilities report to regulators since 2008, cataloguing each by their circumstances. It reviewed thousands of pages of court documents and examined regulatory filings and public meeting transcripts. It involved hundreds of hours of work over the course of several months, including public records requests and interviews. To sustain this work, [become a subscriber](#) or [donate to our Journalism Fund](#) today.

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Transportation, Energy & Insurance Reporter

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## **Antonia Hover**

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**From:** Ellen Plendl  
**Sent:** Monday, June 21, 2021 1:20 PM  
**To:** 'Beatrice Balboa'  
**Subject:** Consumer Inquiry - Florida Power & Light Company

Ms. Beatrice Balboa  
beatricebalboa@gmail.com

Dear Ms. Balboa:

This is in response to your E-mails to the Florida Public Service Commission (FPSC) regarding Florida Power & Light Company (FPL). We appreciate the opportunity to respond directly to you.

We will add your E-mails to Docket No. 20210015, regarding FPL's Petition for a rate increase. You may review all the information filed with the Florida Public Service Commission by accessing our website at <http://www.floridapsc.com>. Tap on the section for Clerk's Office, then Dockets and type in Docket No. 20210015 (just the number). Once you reach the Docket, tap on Document Filings Index to view all the information filed by the utilities and other parties in this Docket, as well as any action the FPSC has taken on this matter.

If you have any questions or concerns please contact me at 1-800-342-3552 or by fax at 1-800-511-0809.

Sincerely,

Ellen Plendl  
Regulatory Consultant  
Florida Public Service Commission  
Office of Consumer Assistance & Outreach  
1-800-342-3552 (phone)  
1-800-511-0809 (fax)