

**Ruth Nettles**

080244-EI  
080522-EI

**From:** Rhonda Dulgar [rdulgar@yvlaw.net]  
**Sent:** Wednesday, August 26, 2009 11:08 AM  
**To:** Scott Simpson; John T. Butler; Ken Rubin; Ken Hoffman; R. Wade Litchfield; Brian Armstrong; Erik Saylor; Filings@psc.state.fl.us; Ralph Jaeger; Schef Wright  
**Subject:** Electronic Filing - Dockets 080244-EI; 070231-EI; and 080522-EI  
**Attachments:** CC.NOF.Resolution.8-26-09.pdf

a. Person responsible for this electronic filing:

Robert Scheffel Wright  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301  
(850) 222-7206  
[swright@yvlaw.net](mailto:swright@yvlaw.net)

b. 080244-EI

In Re: Petition for Approval of Underground Conversion Tariff Revisions by Florida Power & Light Company.

070231-EI

In Re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company

080522-EI

In Re: Petition and Complaint of the Municipal Underground Utilities Consortium for Relief from Unfair Charges and Practices of Florida Power & Light Company

c. Document being filed on behalf of the City of Coconut Creek.

d. There are a total of 6 pages.

e. The document attached for electronic filing is The City of Coconut Creek's Notice of Filing Resolution Approving Settlement Agreement and Contingent Withdrawal of Protests and Complaint.

(see attached file: CC.NOF.Resolution.8-26-09.pdf)

Thank you for your attention and assistance in this matter.

Rhonda Dulgar  
Secretary to Schef Wright  
Phone: 850-222-7206  
FAX: 850-561-6834

DOCUMENT NUMBER-DATE

08870 AUG 26 8

8/26/2009

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of Underground Conversion Tariff Revisions.	)	Docket No. 080244-EI
_____	)	
In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company.	)	Docket No. 070231-EI
_____	)	
In Re: Petition and Complaint of the Municipal Underground Utilities Consortium for Relief from Unfair Charges and Practices of Florida Power & Light Company	)	Docket No. 080522-EI
_____	)	Filed: August 26, 2009

**THE CITY OF COCONUT CREEK'S NOTICE OF FILING RESOLUTION APPROVING SETTLEMENT AGREEMENT AND CONTINGENT WITHDRAWAL OF PROTESTS AND COMPLAINT**

The City of Coconut Creek, Florida, hereby gives notice of filing the City's Resolution No. 2009-74, by which the City Commission of Coconut Creek approved the Stipulation and Settlement Agreement ("Agreement") entered into by the parties to the above-styled dockets. A copy of the certified Resolution is attached to this notice. As recited in the Agreement, the City's approval of the Agreement is a prerequisite to the final effectiveness of the Agreement.

Pursuant to Paragraphs 3, 4, 14, and 18 of the Agreement, the City of Coconut Creek also gives notice of its contingent withdrawal of its protests in Docket No. 070231-EI and Docket No. 080244-EI, and the City further gives notice of its contingent withdrawal of its petition and complaint in Docket No. 080522-EI. As specifically recited in the Agreement, these withdrawals are contingent on the Commission's final and effective approval of all of the Parties' actions contemplated in the Agreement.

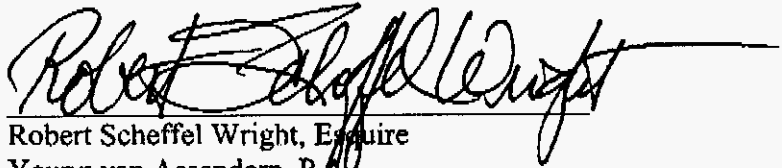
DOCUMENT NUMBER-DATE

08870 AUG 26 09

FPSC-COMMISSION CLERK

Accordingly, the City's withdrawals will only be effective upon the Commission's final approval of all of the Parties' actions as provided for in the Agreement.

Respectfully submitted this 26th day of August, 2009.

A handwritten signature in black ink, appearing to read "Robert Scheffel Wright", with a long horizontal line extending to the right.

Robert Scheffel Wright, Esquire  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, Florida 32301  
Telephone (850) 222-7206

Attorneys for the City of Coconut Creek, Florida

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic and U.S. Mail, on this 26th day of August 2009.

Ralph Jaeger, Esquire  
Erik Sayler, Esquire  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

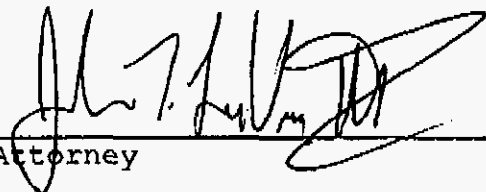
R. Wade Litchfield, Esquire  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, FL 33408

Kenneth Hoffman, Esquire  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

Florida Power & Light Company  
Ken Rubin, Esquire  
John T. Butler, Esquire  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

Brian Armstrong, Esquire  
Nabors, Giblin & Nickerson, P.A.  
1500 Mahan Drive, Suite 200  
Tallahassee, FL 32308

Scott E. Simpson, Esquire  
Korey Law Firm  
Granada Oaks Professional Building  
595 West Granada Blvd., Suite A  
Ormond Beach, FL 32174

  
\_\_\_\_\_  
Attorney

RESOLUTION NO. 2009 - 74

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING A STIPULATION AND SETTLEMENT AGREEMENT RESOLVING PROCEEDINGS BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION RELATING TO UNDERGROUNDING UTILITY FACILITIES; PROVIDING AN EFFECTIVE DATE

State of Florida  
County of Broward  
City of Coconut Creek  
I HEREBY CERTIFY that this is a true and correct copy  
of Resolution No. 2009-74  
Witness my hand the Official Seal of  
The City of Coconut Creek this 20th day of  
August 2009.  
Barbara J. Jones  
City Clerk

WHEREAS, the City of Coconut Creek, Florida has participated as an active member of the Municipal Underground Utilities Consortium ("MUUC") in the MUUC's efforts before the Florida Public Service Commission ("Florida PSC") to obtain favorable treatment of utility undergrounding projects; and

WHEREAS, the Florida PSC has conducted proceedings regarding issues affecting the undergrounding of utility facilities, including three dockets that are currently open and active, In re: Petition for Approval of Underground Conversion Tariff Revisions, Florida PSC Docket No. 080244-EI, In Re: Petition and Complaint of the Municipal Underground Utilities Consortium for Relief from Unfair Charges and Practices of Florida Power & Light Company, Florida PSC Docket No. 080522-EI, and In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company, Florida PSC Docket No. 070231-EI; and

WHEREAS, the City of Coconut Creek, Florida and the MUUC have negotiated a proposed Stipulation and Settlement Agreement ("Settlement Agreement") a copy of which is attached hereto as Exhibit "A" between and among the MUUC, the City of Coconut Creek, Florida Power & Light Company ("FPL"), and the other named parties to all three of the above-styled dockets, which Settlement Agreement will, upon the completion of all actions by various parties set forth within the Settlement Agreement

and upon the final approval of the Florida PSC, resolve all outstanding issues addressed in all three dockets; and

**WHEREAS**, the Settlement Agreement is contingent upon the approval of the City Commission of the City of Coconut Creek, Florida, and also upon the approval of the governing bodies of the other municipalities who are named parties to the above-styled dockets; and

**WHEREAS**, the City Commission of the City of Coconut Creek, Florida has received and reviewed a copy of the Settlement Agreement; and

**WHEREAS**, the City Commission of the City of Coconut Creek, Florida has, upon review of the Settlement Agreement, determined that the Settlement Agreement is in the best interests of the citizens of the City and accordingly, that the City should approve the Settlement Agreement,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

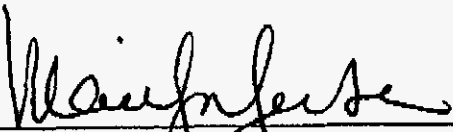
**Section 1:** That the City Commission of the City of Coconut Creek, Florida hereby approves the City's participation in the Settlement Agreement, attached as Exhibit "A":

**Section 2:** That the City Commission of the City of Coconut Creek, Florida, authorizes a copy of this Resolution to be furnished to the Florida PSC, to FPL, and to all other parties to the above-mentioned dockets.


**Section 3:** That this Resolution shall be in full force and effect immediately upon its passage and adoption.

Adopted this 23rd day of July, 2009 on a motion by  
Commissioner Sarbone and seconded by Commissioner Belvedere

Ayes 5  
Nays 0  
Absent or  
Abstaining 0

  
\_\_\_\_\_  
Marilyn Gerber Mayor

Attest:

  
Barbara S. Price, MMC  
City Clerk

Gerber Aye  
Aronson Aye  
Sarbone Aye  
Tooley Aye  
Belvedere Aye