

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re : Complaint and petition)	DOCKET NO. 900811-EI
of Town of Golden Beach for)	ORDER NO. 25175
relief from alleged insufficient,)	ISSUED: 10/09/91
inadequate, and unsafe overhead)	
electric service provided by)	
Florida Power and Light Company.)	

Pursuant to Notice, a Prehearing Conference was held on September 27, 1991, in Tallahassee, Florida, before Commissioner Michael McK. Wilson, Prehearing Officer.

A. APPEARANCES:

K. CRANDAL McDOUGALL, Esquire, Post Office Box 029100,
Miami, Florida 33102-9100
On behalf of Florida Power and Light Company.

PATRICK K. WIGGINS, Esquire, Wiggins & Villacorta, P.A.,
501 East Tennessee Street, Suite B, Post Office Drawer
1657, Tallahassee, FL 32302
On behalf of the Town of Golden Beach.

MICHAEL A. PALECKI, Esquire, and MARY ANNE BIRCHFIELD,
Esquire, 101 East Gaines Street, Suite 216, Tallahassee,
Florida 32399-0863
On behalf of the Commission Staff.

PRENTICE PRUITT, Esquire, the Office of the General
Counsel, 101 East Gaines Street, Suite 212, Tallahassee,
Florida 32399-0861
Counsel to the Commissioners.

DOCUMENT NUMBER-DATE

09989 OCT -9 1991

FPSC-RECORDS/REPORTING

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PREHEARING ORDER

Background

On October 5, 1990, The Town of Golden Beach (Town or Golden Beach) filed a Complaint and Petition of Town of Golden Beach (Document No. 8995-90) which alleges that Florida Power and Light Company (FPL or Company) did not provide the Town with reasonably sufficient, adequate, efficient, and safe service, and which also alleges that FPL's dealings with the Town were not in good faith. To allow for the possibility of a settlement between Golden Beach and FPL, we stayed the proceedings until May 15, 1991. The parties were not able to come to an agreement. Accordingly, this matter was scheduled for hearing on October 23 and 24, 1991.

Use of Prefiled Testimony

All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and exhibits, unless there is a sustainable objection. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand.

Use of Depositions and Interrogatories

If any party desires to use any portion of a deposition or an interrogatory, at the time the party seeks to introduce that deposition or a portion thereof, the request will be subject to proper objections and the appropriate evidentiary rules will govern. The parties will be free to utilize any exhibits requested at the time of the depositions subject to the same conditions.

B. ORDER OF WITNESSES

In keeping with Commission practice, witnesses will be grouped by the subject matter of their testimony. The witness schedule is set forth below in order of appearance by the witness's name, subject matter, and the issues which will be covered by his or her testimony.

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<u>Witness</u>	<u>Subject Matter</u>	<u>Issues</u>
<u>TGB</u>		
L.R. Duffner, M.D.	Complaint and Petition of the Town of Golden Beach.	1-5; 10-13
C.T. Maney	" "	1,4,6
R.S. Wright	" "	7-13
<u>FPL</u>		
R.M. Marshall	" "	1-13

C. EXHIBIT LIST

<u>Exhibit Number</u>	<u>Witness</u>	<u>Description</u>
<u>(RMM-1)</u>	Marshall (FPL)	This exhibit presents a life cycle cost analysis of overhead and underground utility facilities relative to the east side of Golden Beach.
<u>(RMM-2)</u>	Marshall (FPL)	This exhibit presents a life cycle cost analysis of overhead and underground facilities relative to the west side of Golden Beach.
<u>(RMM-3)</u>	Marshall (FPL)	FPL letter dated December 14, 1990.
<u>(RMM-4)</u>	Marshall (FPL)	FPL letter dated February 25, 1991.
<u>(RMM-5)</u>	Marshall (FPL)	FPL pole design sketch for sand and muck.

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<u>Exhibit Number</u>	<u>Witness</u>	<u>Description</u>
<u>(LRD-1)</u>	Duffner (TGB)	Survey of Ocean Boulevard Residents Regarding FPL Service Quality
<u>(LRD-2)</u>	Duffner (TGB)	Golden Beach Police Department Reports of Downed Live Electric Wires, Pole Fires, and Related Electric Incidents
<u>(RSW-1)</u>	Wright (TGB)	Letter to Paul D. Kalv from Patrick K. Wiggins and Robert Scheffel Wright dated March 26, 1990
<u>(RSW-2)</u>	Wright (TGB)	Letter to Patrick K. Wiggins from Paul D. Kalv dated May 30, 1990
<u>(RSW-3)</u>	Wright (TGB)	Letter to Patrick K. Wiggins from K. Crandal McDougall dated December 14, 1990
<u>(RSW-4)</u>	Wright (TGB)	Letter to Patrick K. Wiggins from K. Crandal McDougall dated December 17, 1990
<u>(CTM-1)</u>	Maney (TGB)	Electric Supply Overhead and Underground Time Statistics for California Operation
<u>(CTM-2)</u>	Maney (TGB)	Letter to C. Thomas Maney from Russell W. Copeland dated October 16, 1987
<u>(CTM-3)</u>	Maney (TGB)	Accident Summary

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<u>Exhibit Number</u>	<u>Witness</u>	<u>Description</u>
<u>(CTM-4)</u>	Maney (TGB)	Letter to Patrick K. Wiggins from K. Crandal McDougall dated December 17, 1990
<u>(STAFF-1)</u>	Marshall (FPL)	This exhibit presents FPL's response to the Town's First Set of Production Requests, Attachments 1 through 9, which are the trouble tickets for non-momentary interruptions in Golden Beach from 1987 through August of 1990.
<u>(STAFF-2)</u>	Marshall (FPL)	This exhibit presents a composite summary of data associated with non-momentary interruptions in Golden Beach from 1987 through September of 1990. Sources for this exhibit are Staff's First Set of interrogatories to FPL, Interrogatories 1, 3, 4, and 7.
<u>(STAFF-3)</u>	Marshall (FPL)	This exhibit presents Staff's First Set of Interrogatories to FPL, Interrogatories 4 and 5 (including Appendix A), which describe the duration and cause of non-momentary incidents listed in the Complaint and Petition.

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<u>Exhibit Number</u>	<u>Witness</u>	<u>Description</u>
<u>(STAFF-4)</u>	Marshall (FPL)	This exhibit presents Staff's First Set of Interrogatories to FPL, Interrogatory 8, which describes non-momentary incidents in Golden Beach, their duration and cause, from 1987 through August of 1990.
<u>(STAFF-5)</u>	Marshall (FPL)	This exhibit presents Staff's First Set of Interrogatories to FPL, Interrogatories 9, 10, 11, and 12, which describe annual incidents of feeder, OCR, and lateral interruptions, for FPL's Southern Division, FPL's Southeastern Division, Golden Beach, Sea Ranch Lakes, Gulf Stream, and Daytona Beach Shores, from 1987 through 1990.
<u>(STAFF-6)</u>	Marshall (FPL)	This exhibit presents a composite summary of data associated with feeder, OCR, and lateral interruptions from 1987 through 1990, for FPL's Southern Division, FPL's Southeastern Division, Golden Beach, Sea Ranch Lakes, Gulf Stream, and Daytona Beach Shores. The source for this exhibit is STAFF-5.

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<u>Exhibit Number</u>	<u>Witness</u>	<u>Description</u>
<u>(STAFF-7)</u>	Marshall (FPL)	This exhibit presents Staff's First Set of Interrogatories to FPL, Interrogatory 14, which describes work done by FPL on power lines in Golden Beach from 1/1/89 through 6/30/90.
<u>(STAFF-8)</u>	Marshall (FPL)	This exhibit presents Staff's First Set of Interrogatories to FPL, Interrogatories 18 and 19, which detail the actual costs of the overhead refurbishment on the west side and the underground work along A1A.

D. PARTIES' STATEMENT OF BASIC POSITION

FLORIDA POWER & LIGHT COMPANY (FPL): Golden Beach's complaint and petition, as it was filed in October of 1990, was predicated upon an allegation that FPL's electric service was not sufficient, adequate or safe. After reviewing FPL's records regarding the performance of the distribution system in Golden Beach and a complete inspection of that distribution system, FPL determined that system improvements were necessary prior to the 1991 summer storm season and took the steps necessary to make the needed improvements. Consequently, FPL asserts that it has now satisfied Golden Beach's complaint regarding FPL's quality of service, and, therefore, the complaint should be dismissed.

As this proceeding now stands in relation to the petition, the Commission is required to address two questions. First, is FPL's contribution in aid of construction (CIAC) policy for overhead (OH) to underground (UG) conversions reasonable; and second, given a reasonable CIAC policy, how should it be applied to Golden Beach. Golden Beach's adequacy of service questions at this point in time, in light of FPL's substantial system improvements made this year in Golden Beach, are merely peripheral issues. The real issue is how

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much of a CIAC should Golden Beach be responsible for with respect to the partial OH to UG conversion done in Golden Beach and for any additional conversion of OH to UG facilities in Golden Beach, should Golden Beach still request such after this matter is concluded.

FPL's CIAC policy requires a person or entity requesting a conversion to be responsible for the full actual cost of the conversion, in addition to other terms and conditions, unless FPL has imminent planned improvements which can be avoided by the conversion. In the event there are imminent planned improvements which can be avoided by the conversion, FPL will credit the cost of the conversion by the estimated cost of said improvements avoided.

To apply FPL's CIAC conversion policy to Golden Beach, the Town must be considered as two distinct geographic sections, east and west. This distinction is necessary since FPL has already converted the east side of Golden Beach and has already completed its imminent planned OH system improvements to the west. The application of FPL's CIAC conversion policy to the east side of Golden Beach is relatively simple. The full actual cost of the conversion (\$455,945) is reduced by applying a credit (\$105,500) for the amount of FPL's imminent planned improvements which were avoided by the conversion to arrive at the amount Golden Beach is responsible for (\$350,455). Since Golden Beach pre-paid \$66,400 of the east side conversion project the balance now due and payable to FPL is \$284,045.

Because of the immediate necessity of improvements to the west side, a conversion could not have avoided those improvements and, therefore, FPL went forward and completed the improvements deemed appropriate at a cost of \$419,186. However, FPL believes that in this instance, if Golden Beach complies with the terms and conditions of FPL's CIAC conversion policy, within six months of the final order in this docket, then FPL's CIAC conversion policy should be applied to Golden Beach so as to provide the Town a credit for any system improvements actually made to facilities Golden Beach requests the conversion of. Consequently, if the Town desires to have the remaining OH facilities in Golden Beach converted to an UG distribution system, and complies with the terms and conditions of FPL's CIAC conversion policy, then a credit of \$419,186 would be applied against whatever the final cost of the conversion turns out to be.

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FPL recommends against the establishment of a CIAC for conversions based on a differential formula as proposed by Golden Beach. FPL believes that such a formula would adversely impact the general body of ratepayers by requiring unnecessary investments in new facilities which are not needed. FPL does not believe it is appropriate to force the general body of ratepayers to finance any part of such unnecessary construction for the sole benefit of one group or an individual.

Additionally, it is imperative that the requesting entity or person seeking the conversion of OH facilities to an UG distribution system be responsible for the final cost of any such conversion. The installation of an UG distribution system will be subject to many unknown cost variables that may not be estimated with any reasonable degree of accuracy. Consequently, a fixed cost project will most likely unreasonably discriminate either against the general body of ratepayers or the requesting entity.

THE TOWN OF GOLDEN BEACH (TGB): This is a very simple case arising from FPL's violation of two basic rights guaranteed to Golden Beach under statute and rule: (1) the right to reasonably sufficient, adequate, efficient, and safe electric service; and (2) the right not to be subjected to undue prejudice.

(1) FPL's violation of Golden Beach's right to reasonably sufficient, adequate, efficient, and safe electric service

That FPL failed to provide Golden Beach reasonably sufficient, adequate, efficient, and safe electric service cannot be reasonably denied. From at least 1987 onward, the citizens of Golden Beach were subjected to egregious and dangerous service characterized by frequent downed lines, outages, and voltage fluctuations. The source of this dangerously deficient service was an overhead (OH) system that planted in insubstantial soil and worn out by constant exposure to salt spray. For at least two years FPL ignored Golden Beach's numerous complaints about the quality of service and the need to replace the OH system. FPL refused to take Golden Beach's complaints seriously until Golden Beach filed its Petition and Complaint; then and only then did FPL recognize the obvious: Golden Beach's OH system was in egregious disrepair and had to be replaced. Because Golden Beach's service was so bad and because FPL refused to remedy the unacceptable service until the filing of the Petition and Complaint, FPL violated Golden Beach's right to reasonably sufficient, adequate, efficient, and safe electric

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service.

FPL should be heavily fined for this violation of Golden Beach's right to decent electric service. The penalizing of FPL, however, does not compensate Golden Beach for its direct and indirect costs in attempting to get FPL to honor its obligations. If FPL were to reimburse Golden Beach for these costs, the Commission should take that into account as a mitigating factor in setting the level of the fines.

(2) FPL's violation of Golden Beach's right not to be subjected to undue prejudice.

New developments may have new facilities placed underground (UG) as a matter of right upon of a CIAC of approximately \$360 per residence. FPL has not only refused to place Golden Beach's new facilities UG upon this basis, but has refused to even consider how Golden Beach's installation can be handled comparably to new installations. This violates Golden Beach's right not to be subjected to undue prejudice.

The UG installation requested by Golden Beach is not a conversion; rather, it is the replacement of worn-out facilities with new ones. If UG facilities installed 25 years ago in a community must be replaced, FPL will replace them with new UG facilities without demanding any CIAC. The only difference between these communities and Golden Beach from a regulatory perspective is this: the UG communities had the opportunity to place new facilities UG upon the payment of a one-time averaged CIAC, and forever after pay the same rates as other ratepayers, even when the entire UG system must be replaced; Golden Beach, however, did not have the opportunity to place its facilities UG when it was a new development, and now that the entire facilities must be replaced, will have to pay an extraordinarily large CIAC based on FPL's actual expenses in installing the facilities. There is no sound basis upon which to charge one group of customers an average CIAC but another set of customers a project-specific CIAC. This is undue prejudice.

Golden Beach therefore rejects FPL's apparent argument that because it is an established community it is not entitled to a CIAC established for new developments. Golden Beach, however, attempted to go the extra mile by making itself "look" like a new development by offering to pay a CIAC almost three times that paid by new developments. Golden Beach also offered to address factors, such

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as the width of easements, that FPL believed made an existing community different than a new development. FPL rejected all such approaches.

STAFF: None at this time.

E. STATEMENT OF ISSUES AND POSITIONS

ISSUE 1: From January 1, 1987, to June 30, 1991, has Florida Power and Light (FPL or Utility) provided the Town of Golden Beach (Golden Beach or Town) and its residents reasonably sufficient, adequate, efficient, and safe electric service?

FPL: FPL's electric service to Golden Beach from January 1, 1987 to June 31, 1991 was reasonably sufficient, adequate, efficient and safe.

TGB: No. As noted in Golden Beach's basic position, from at least 1987 onward, the citizens of Golden Beach were subjected to egregious and dangerous service characterized by frequent downed lines, outages, and voltage fluctuations. The source of this unacceptable service was an overhead (OH) system that planted in insubstantial soil and worn out by constant exposure to salt spray. FPL contends that these service problems are now cured through the installation of a new OH system on the West Side, as well as the UG installation along A1A. Such declarations of victory are premature. The new OH system has yet to be subjected to the very factors that rendered the old system inadequate and unsafe: continued exposure to salt spray and wind. For example, during the winter Golden Beach experiences a steady eastward wind that coats the OH facilities with salt spray. Worse, during these months there is little rain to naturally wash the system. Additionally, after just a few months, some of the new, taller poles are already leaning more than the poles they replaced.

STAFF: None at this time.

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ISSUE 2: If FPL has not provided reasonably sufficient, adequate, efficient, and safe electric service, did FPL violate its statutory obligations to do so under Sections 366.03 and 366.04(6), Florida Statutes?

FPL: FPL has not violated its statutory obligation to serve in Golden Beach.

TGB: Yes. As noted in the basic position, for at least two years FPL ignored Golden Beach's numerous complaints about the quality of service and the need to replace the OH system. FPL refused to take Golden Beach's complaints seriously until Golden Beach filed its Petition and Complaint; then and only then did FPL recognize the obvious: Golden Beach's OH system was in sad shape and had to be replaced. Because Golden Beach's service was so bad and because FPL refused to remedy the unacceptable service until the filing of the Petition and Complaint, FPL violated Golden Beach's right to reasonably sufficient, adequate, efficient, and safe electric service, and this violation was willful.

STAFF: None at this time.

ISSUE 3: If FPL violated its statutory obligations under Section 366.03 and 366.04(6), Florida Statutes, was such violation willful?

FPL: No.

TGB: Yes. Please see position on Issue 2.

STAFF: None at this time.

ISSUE 4: Given FPL's post-complaint construction, is the current electric service provided to Golden Beach and its residents reasonably sufficient, adequate, efficient, and safe?

FPL: FPL's present service to Golden Beach is reasonably sufficient, adequate, efficient and safe.

TGB: No. Please see position on Issue 1.

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STAFF: None at this time.

ISSUE 5: What was the effect on the citizens of Golden Beach as a result of the downed lines, outages, and voltage fluctuations that initiated this complaint?

FPL: No position at this time.

TGB: The citizens of Golden Beach were subjected to dangerous conditions and to the consequences of poor service, such as burned out motors, compressors, computers, and other electric equipment.

STAFF: None at this time.

ISSUE 6: Was the refurbishment done by FPL the most appropriate means to provide reasonably sufficient, adequate, efficient, and safe electric service in Golden Beach?

FPL: Yes. FPL's refurbishment activities were the only means of completing system improvements in Golden Beach deemed necessary in time for the 1991 summer storm season.

TGB: No. The replacement facilities on the West Side should have been installed underground due to the weather and soil conditions already noted.

STAFF: None at this time.

ISSUE 7: If the Commission determines that a contribution-in-aid-of-construction (CIAC) should be paid for an overhead-to-underground conversion in this matter, how should the CIAC be calculated?

FPL: FPL recommends that any CIAC for an OH to UG facilities conversion should be the full actual cost of conversion less any available credit for imminent planned improvements which are avoided by the conversion.

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TGB: The CIAC applied to the citizens of Golden Beach for underground facilities should in all material respects be calculated on the same basis as the CIAC for underground facilities in "new" developments.

STAFF: None at this time.

ISSUE 8: If the Commission determines that a CIAC should be paid here, what are the appropriate mechanisms by which the CIAC should be collected?

FPL: FPL recommends the maintenance of the status quo, i.e. a CIAC must be prepaid in the amount of the project's estimated cost with any resulting costs in excess of the estimate due on the completion of the project. Should a project come in at less than the prepayment, then a refund should be made.

TGB: The following approach should be used:

1. Compute the CIAC due to FPL.
2. Divide this amount by the number of active electric accounts in Golden Beach as of a date certain.
3. Divide the resulting amount by 60.
4. Collect this amount via a surcharge, perhaps similar to the City of Miami or Dade County manhole guard surcharge, on each Golden Beach customer's bill over the succeeding 60 months.
5. The Town of Golden Beach will agree to make up the difference, if any, between the amounts collected over the 60-month payment period and the total amount due. If the total CIAC payment is collected prior to the expiration of 60 months, FPL will agree to stop collecting the surcharge at that time.

STAFF: None at this time.

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ISSUE 9: What other terms and conditions should be required by the Commission for an overhead-to-underground conversion in Golden Beach?

FPL: The following terms and conditions should be part of an agreement to convert OH facilities to an UG distribution system:

FPL shall convert its overhead distribution facilities to an underground configuration, where feasible, at the request of a local governmental entity or other entity (hereinafter "the requesting entity"), when such conversion is not done pursuant to §366.04(7), after the following conditions have been complied with:

- a. The requesting entity has executed agreements with all other utilities, CATV companies, or other licenses, occupying the pole lines being converted wherein said agreements provide that those other utilities, CATV companies and other licensees will simultaneously convert, in conjunction with FPL, their existing overhead facilities to an underground configuration;
- b. The requesting entity secures all easements necessary to accommodate the requested underground system and provides said easements with an opinion of title to FPL;
- c. That each customer affected by the conversion agree, in writing, to convert their service lateral and entrance pursuant to Tariff Sheet No. 6.130, or if Tariff Sheet No. 6.130 is inapplicable, then upon terms as specified by FPL;
- d. The requesting entity agrees to be responsible for all restoration of, repair of, or compensation for, property affected, damaged, or destroyed, to accommodate the installation of underground facilities and the removal of FPL's overhead facilities;
- e. The requesting entity agrees to indemnify FPL from any claim, suit, or other proceeding, which seeks the restoration of, repair of, or compensation for,

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property affected, damaged, or destroyed, to remove existing facilities or to accommodate the installation of underground distribution facilities arising from or brought as a result of the installation of underground facilities;

- f. The requesting entity agrees to prepay the estimated cost of the conversion and be responsible for any conversion costs incurred in excess of the estimate; and,
- g. That the area to be converted must be contiguous unless FPL agrees otherwise.

Once the above conditions are fulfilled, FPL shall replace its overhead distribution facilities with underground distribution facilities in a timely fashion. In the event a customer fails to convert their services in violation of their written agreement to do so, then the requesting entity shall be responsible for any additional costs incurred by FPL to maintain service until the agreement can be enforced. Enforcement of individual service lateral agreements shall be the sole responsibility of the requesting entity. Should the final cost of the project be less than the prepayment, FPL shall refund to the requesting entity that portion of the prepayment in excess of the final cost of the project.

The requesting party shall be responsible for all costs incurred by FPL associated with the conversion construction. The general body of ratepayers shall be unaffected by a conversion. However, in those situations where FPL has imminent planned improvements scheduled for the overhead distribution facilities to be converted, FPL shall credit the cost of the conversion project payable by the estimated cost of said imminent planned improvements, where such improvements can be avoided by the conversion.

TGB: Golden Beach remains willing to accommodate and facilitate the installation of underground distribution facilities on the West Side of the Town in accordance with its proposed offer of settlement made to FPL in March of this year, except that because the facilities

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needed to be replaced anyway, the Town is not willing to pay either the removal costs or the book value of the facilities removed. The Town is willing to do the following:

- (1) Provide all necessary easements.
- (2) Enforce its ordinance requiring all customers to convert their service entrances to accommodate underground service when FPL makes underground service available.
- (3) Assume responsibility for sod replacement and for repairing blacktop driveway cuts.
- (4) By resolution, assure that FPL is not responsible for any costs associated driveway repairs, except for any costs caused by the negligence or willful misconduct of FPL, its subcontractors, or agents.
- (5) Continue negotiations with Southern Bell to place its (Bell's) facilities underground concurrently with or immediately following FPL's installation of underground facilities. (Gold Coast Cablevision has already agreed to place its facilities underground when Southern Bell relocates its facilities to underground.)
- (6) Pay to FPL a CIAC equal to the number of lots affected times FPL's currently effective Underground Residential Distribution CIAC tariff charge.

On the specific facts of this case, the Town believes that it would be appropriate for the Commission to allow FPL to absorb the CIAC charges referenced in item (6) above and to offset those against any fines imposed by the Commission as a result of FPL's violations of its duties, addressed in other issues.

STAFF: None at this time.

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ISSUE 10: Has FPL dealt with Golden Beach in good faith regarding the Town's requests and efforts to obtain reasonably sufficient, adequate, efficient, and safe electric service, and to have portions of its distribution system converted from overhead-to-underground facilities?

FPL: Yes. FPL responded to the town's continuously changing requests for UG facilities with estimates designed to provide the town latitude in determining what portions the Town desired the conversion of given their resources.

TGB: No. FPL has consistently refused to respond directly and reasonably to Golden Beach's concerns about unacceptable electric service and about Golden Beach being subjected to undue prejudice. While FPL is apparently satisfied that after the filing of the Petition and Complaint it has faithfully applied corporate policy, no one at FPL has yet to straightforwardly address Golden Beach's concern that the policy itself is doing an injustice to Golden Beach, i.e., unfairly discriminating against Golden Beach as compared to developments - both old and new - that have UG facilities.

STAFF: None at this time.

ISSUE 11: If the Commission finds that FPL did not act in good faith, what actions, if any, should the Commission take?

FPL: No position at this time.

TGB: The Commission should impose substantial sanctions, i.e., heavy fines.

STAFF: None at this time.

ISSUE 12: Under what terms and conditions and at what CIAC should the commission require FPL to offer underground distribution service to Golden Beach?

FPL: See position for Issues 7 and 9.

TGB: See basic position and positions for Issues 7 and 9.

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STAFF: None at this time.

ISSUE 13: What other actions, if any, should the Commission take in this case?

FPL: None.

TGB: Taking the totality of the unique circumstances on this case, the Commission should order FPL to install the UG facilities at no cost to Golden Beach, with the company itself absorbing the CIAC required under sound regulatory policy. Also, the Commission should encourage FPL to reimburse Golden Beach for its attorney fees and other costs in bringing this action, and take such gestures into account in determining the level of monetary penalties FPL should pay as a result of its willful violation of its obligations as the monopoly electric utility.

STAFF: None at this time.

E. Pending Motions

None.

F. STIPULATED ISSUES

None.

G. MOTIONS

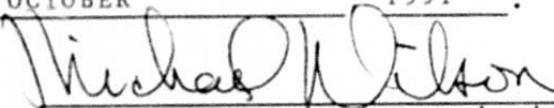
None.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that these proceedings shall be governed by this order unless modified by the Commission.

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By ORDER of Commissioner Michael McK. Wilson, as Prehearing
Officer, this 9th day of OCTOBER 1991.



MICHAEL MCK. WILSON, Commissioner
and Prehearing Officer

(S E A L)

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