

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and Petition of)
 Town of Golden Beach for Relief)
 from Alleged Insufficient,)
 Inadequate, and Unsafe Overhead)
 Electric Service Provided by)
 Florida Power and Light Company.)

DOCKET NO. 900811-EI
 ORDER NO. 24562
 ISSUED: 5/20/91

ORDER ON PREHEARING PROCEDURE

Pursuant to the provisions of Rule 25-22.038, Florida Administrative Code, all parties and Staff are hereby required to file with the Director of Records and Reporting a prehearing statement on or before September 9, 1991. Each prehearing statement shall set forth the following:

- (a) all known witnesses that may be called and the subject matter of their testimony;
- (b) all known exhibits, their contents, and whether they may be identified on a composite basis and the witness sponsoring each;
- (c) a statement of basic position in the proceeding;
- (d) a statement of each question of fact the party considers at issue and which of the party's witnesses will address the issue;
- (e) a statement of each question of law the party considers at issue;
- (f) a statement of each policy question the party considers at issue and which of the party's witnesses will address the issue;
- (g) a statement of the party's position on each issue identified pursuant to paragraphs (d), (e) and (f) and the appropriate witness;
- (h) a statement of issues that have been stipulated to by the parties;
- (i) a statement of all pending motions or other matters the party seeks action upon; and
- (j) a statement as to any requirement set forth in this Order that cannot be complied with, and the reasons therefore.

DOCUMENT NUMBER-DATE

05033 MAY 20 1991

FPC-RECORDS/REPORTING

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The original and fifteen copies of each prehearing statement must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on September 9, 1991. Failure of a party to timely file a prehearing statement shall be a waiver of any issues not raised by other parties or by the Commission Staff. In addition, such failure shall preclude the party from presenting testimony in favor of his or her position on such omitted issues. Copies of prehearing statements shall also be served on all parties. Prehearing statements shall substantially conform to the Florida Rules of Civil Procedure requirements as to form, signatures, and certifications.

Each party is required to prefile all exhibits and all direct testimony it intends to sponsor in written form. Prefiled testimony shall be typed on standard 8 1/2 x 11 inch transcript quality paper, double spaced, with 25 numbered lines, in question and answer format, with a sufficient left margin to allow for binding. An original and fifteen copies of each witness's prefiled testimony and each exhibit must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the due date. Along with filing fifteen copies, each party must also file a 3 1/2 inch high density, floppy disk with the pleadings typed in a format which will be accepted by Word Perfect 5.1. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony. Copies of all prefiled testimony shall also be served by the sponsoring party on all other parties.

A final prehearing conference will be held on September 27, 1991, in Tallahassee. The conditions of Rule 25-22.038(5)(b), Florida Administrative Code, will be met in this case and the following shall apply:

Any party who fails to attend the final prehearing conference, unless excused by the prehearing officer, will have waived all issues and positions raised in his or her prehearing statement.

Any issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party, except for good cause shown. A party seeking to raise a new issue after the issuance of the prehearing order shall demonstrate that: he or she was unable to identify the issue because of the complexity of the matter; discovery or other prehearing procedures were not adequate to fully develop the issues; due diligence was exercised to

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obtain facts touching on the issue; information obtained subsequent to the issuance of the prehearing order was not previously available to enable the party to identify the issue; and introduction of the issue could not be to the prejudice or surprise of any party. Specific reference shall be made to the information received, and how it enabled the party to identify the issue.

Unless a matter is not at issue for that party, each party shall diligently endeavor in good faith to take a position on each issue prior to issuance of the prehearing order. When a party is unable to take a position on an issue, he or she shall bring that fact to the attention of the prehearing officer. If the prehearing officer finds that the party has acted diligently and in good faith to take a position, and further finds that the party's failure to take a position will not prejudice other parties or confuse the proceeding, the party may maintain "no position at this time" prior to hearing and thereafter identify his or her position in a post-hearing statement of issues. In the absence of such a finding by the prehearing officer, the party shall have waived the entire issue. When an issue and position have been properly identified, any party may adopt that issue and position in his or her post-hearing statement.

To facilitate the management of documents in this docket, parties and Commission Staff shall submit an exhibit list with their respective prehearing statements. Exhibits will be numbered at the Prehearing Conference. Each exhibit submitted will be numbered at the Prehearing Conference. Each exhibit submitted shall have the following in the upper right-hand corner: the docket number, the witness' name, the word "Exhibit" followed by a blank line for the Exhibit Number, and the title of the exhibit.

An example of the typical exhibit identification format is as follows:

Docket No. 870675-TL
J. Doe Exhibit No. _____
Cost Studies for Minutes Of Use by Time of Day

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The following dates have been established to govern the key activities of this proceeding in order to maintain an orderly procedure:

- | | |
|----------------------------|---|
| 1. July 10, 1991 - | Petitioner's Direct Testimony to be filed |
| 2. July 24, 1991 - | Respondent's Direct Testimony to be filed |
| 3. August 7, 1991 - | Rebuttal Testimony to be filed |
| 4. September 9, 1991 - | Prehearing Statements to be filed |
| 5. September 27, 1991 - | Prehearing Conference |
| 6. October 23 & 24, 1991 - | Hearings to be held |

DISCOVERY PROCEDURES

The hearing in this docket is presently set for October 23 & 24, 1991. Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be complete by October 16, 1991. No interrogatories nor requests for production of documents shall be served after September 2, 1991.

To facilitate identification, all interrogatories, requests for admissions, and requests for production of documents shall be numbered consecutively. Each set of discovery requests shall be numbered sequentially from any previous set. Unless authorized by the prehearing officer, the following limitations shall apply, which include all subparts:

Interrogatories	300
Requests for Production of Documents	175

Attached to this order as Appendix "A" is a tentative list of the issues which will be addressed in this proceeding. Prefiled testimony and prehearing statements shall be addressed to the issues set forth in Appendix "A."

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By ORDER of Michael Mck. Wilson, Commissioner and Prehearing
Officer, this 20th day of MAY, 1991.



MICHAEL MCK. WILSON,
Commissioner, and Prehearing
Officer

(S E A L)

MAB
PREHRGOR.MB

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TENTATIVE ISSUES

LEVEL OF SERVICE

- 1.) Historically, 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?
- 2.) What caused the downed lines, outages, and voltage fluctuations in Golden Beach which precipitated the Town's complaint?
- 3.) Did FPL perform substantial refurbishments or upgrades on the overhead portion of Golden Beach's power lines in response to Golden Beach's complaint? If so, what refurbishments or upgrades did FPL perform in Golden Beach?
- 4.) If FPL performed refurbishments and upgrades in Golden Beach, were these refurbishments and upgrades similar to those commonly performed by FPL in other coastal areas?
- 5.) Should FPL have initiated refurbishments to Golden Beach's system in a more timely manner?
- 6.) Is FPL presently providing sufficient, adequate, efficient, and safe electric service to Golden Beach?
- 7.) Should the Commission order FPL to improve its service to Golden Beach?

COSTS

- 8.) What, if any, costs did the citizens of Golden Beach incur due to the downed lines, outages, and voltage fluctuations that initiated this complaint?
- 9.) What costs, if any, did FPL incur in making refurbishments to Golden Beach's overhead system? If costs were incurred, what life cycle costs would be incurred in maintaining an overhead system in Golden Beach, excluding public externalities?
- 10.) What would be the cost of undergrounding the overhead system in Golden Beach?

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- 11.) What would be the life cycle cost to maintain an underground system in Golden Beach, excluding public externalities?
- 12.) Can the cost of public externalities be quantified for the overhead lines in Golden Beach? If so, should the costs of public externalities be considered in this matter?
- 13.) 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?
- 14.) If the Commission determines that a CIAC should be paid here, what are the appropriate mechanisms by which the CIAC should be collected?

FPL'S DEALINGS WITH GOLDEN BEACH

- 15.) Has FPL dealt with Golden Beach in good faith regarding the Town's requests and efforts to have portions of its distribution system converted from overhead to underground facilities?
- 16.) Should the Commission impose any sanctions on FPL because of the Utility's dealings with the Town in this matter?

CONVERSION TO UNDERGROUND LINES

- 17.) If Golden Beach demonstrates that the electric service provided to it from overhead distribution facilities is either inadequate or unsafe, or both, should or must the Commission order FPL to make the conversion at no direct cost to Golden Beach or its residents?
- 18.) Should the Commission order FPL to convert the overhead distribution system in Golden Beach to underground facilities?
- 19.) If the Commission orders FPL to convert the distribution system facilities in Golden Beach, what costs would be incurred in meeting this order, and which party should be responsible for which costs?

ISSUES.MB