

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Phase 2 – Conversion of Overhead Facilities to Underground @ Bush Blvd & 17-92

DEPARTMENT: Administrative Services **DIVISION:** Support Services

AUTHORIZED BY: Jamie Croteau *JC* **Director** **CONTACT:** Meloney Lung *ML* **Manager** **EXT.** 5256

Agenda Date <u>05/25/04</u> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION: Approve and authorize Chairman to execute the necessary agreement for the second phase of the conversion of the overhead electric distribution facilities to underground facilities on US 17-92 in front of Criminal Justice Center at a not-to-exceed cost of \$78,935.

BACKGROUND:

At the March 23, 2003 Board of County Commissioners meeting, the Board authorized staff to negotiate a two phase agreement with Florida Power and Light Company (FPL) to convert overhead electric distribution facilities to underground facilities in front of the Criminal Justice Center at Bush Blvd and US 17-92 and to authorize the Chairman to execute the agreement for phase one (conduit installation) at a not-to-exceed cost of \$38,509.

Phase two includes the actual conversion of the overhead lines at a not-to-exceed cost of \$78,935. Funds are available in contingency for the Courthouse Expansion Project.

Staff is requesting approval and authorization for the Chairman to execute the necessary agreement for phase two at a not-to-exceed cost of \$78,935.

District 5, Commissioner McLain

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: <i>ML</i>
CM: <i>JL</i>
File No. <u>CASSS01</u>



May 4, 2004

Ms. Jamie Croteau
Seminole County
200 W. County Home Road
Sanford, Florida 32773

Re: Conversion of FPL Overhead Facilities to Underground @SR 17-92 & Bush Blvd, Sanford

Dear Ms. Croteau:

Pursuant to your request on January 23, 2003 for a binding cost estimate, and your payment of \$N/A for the non-refundable engineering deposit, our engineering cost estimates have been completed. The binding estimate amount, known also as CIAC (Contribution In Aid of Construction), required by FPL for converting those overhead electric distribution facilities described in your letter to underground, is **\$103,681.00 minus \$38,509.00 (conduit installation) = \$78,935.00.**

As specified in my previous letter to you dated January 23, 2003, this estimate does **not** include restoration of property affected by the conversion; describing, securing, and recording of easements; clearing of trench routes; trenching, backfilling, and conduit installation of individual service laterals; or rearrangement of customer service entrances. This estimate includes no costs you may incur from other utilities/pole licensees affected by the conversion. These aspects, as stated before, are the responsibility of the applicant.

To fully account for all expenses which are part and parcel of the full cost of conversion and thereby ensure that other FPL customers do not pay for costs associated with your conversion (and likewise you theirs), FPL requires that the entity or person requesting the conversion agree to certain terms and conditions. The following identifies some, but is not limited to, the terms and conditions required of the applicant before commencing with the underground conversion of the overhead electrical distribution system. The applicant must:

- a. enter into agreements that will accommodate the conversion of other pole licensees (e.g. Tel. Co., CATV);
- b. describe, secure, and record all easements (along with opinion of title that they are valid), at no cost to FPL, necessary to accommodate the underground distribution system;
- c. be responsible for the costs associated with maintaining service to any affected customer who refuses to rearrange his/her service entrance to accept service from the underground distribution system;
- d. agree to be responsible for all restoration of property affected by the installation of the underground system;
- e. protect FPL from any claim or suit regarding restoration or property affected by the conversion; and
- f. agree to clear easements of trees and all obstructions that might conflict with construction of the underground system.

This binding cost estimate is valid for 180 days, providing there is no work scope change. Should you request FPL to perform the conversion, please sign and return the attached Underground Facilities Conversion Agreement. If you do not request the conversion to be performed, or if the Agreement is not executed and its terms and conditions complied within the 180 day time period, your \$N/A engineering deposit will be forfeited and the estimate withdrawn. If the agreement is executed and its terms and conditions complied within that time period, FPL will apply the deposit toward the CIAC amount you would owe for the conversion. The remaining amount of **\$78,935.00** must be paid prior to commencement of construction by FPL.

I look forward to hearing from you. Please contact me at 407-328-1922 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. K. Johnson", is written over a horizontal line.

C. K. Johnson
Senior System Project Manager

UNDERGROUND FACILITIES CONVERSION AGREEMENT

This Agreement, made and entered into this 4th day of May, 2004, by and between Board of County Commissioners of Seminole County (hereinafter called the Applicant) and FLORIDA POWER & LIGHT COMPANY, a corporation organized under the laws of the State of Florida (hereinafter called FPL) is for the provision of underground electric distribution facilities by FPL in place of existing overhead electric distribution facilities pursuant to the Applicant's request for such facilities. In consideration of the premises, covenants and agreements set forth herein, FPL and the Applicant agree as follows:

1. The Applicant shall pay FPL a Contribution in Aid Of Construction (CIAC) in the amount of \$78,935.00. In the event the actual cost of the project contracted for herein, exceeds the CIAC identified above, the Applicant shall pay an additional contribution equal to the lesser of the difference between the actual cost of the project and the CIAC identified above, or 10% of the CIAC identified above.
2. Pursuant to this agreement, the Applicant agrees to comply with and abide by the requirements, terms, and conditions of FPL's Electric Tariff as those requirements, terms, and conditions are set forth in said Tariff.
3. Upon compliance with the requirements, terms, and conditions of FPL's Electric Tariff, FPL will proceed in a timely manner with the conversion of the existing overhead distribution facilities to an underground configuration in accordance with the construction drawings and specifications set forth in Attachment A hereof.
4. In the event that the underground facilities to be installed, as specified in Attachment A, are part of, or are for the purposes of, relocation, then this Agreement shall be an addendum to the relocation agreement between FPL and the Applicant. In the event of any conflict between the relocation agreement and this Agreement or the Electric Tariff, this Agreement and the Electric Tariff shall control.
5. Failure by the Applicant to comply with any of the requirements, terms, or conditions of this agreement or FPL's Electric Tariff shall result in termination of this agreement. The Applicant may terminate this agreement at any time prior to the start of construction and the CIAC paid by the Applicant will be refunded to the Applicant, provided however, that the refund of the CIAC shall be offset by any costs incurred by FPL in performing under the agreement up to the date of termination.
6. This agreement is not assignable.

IN WITNESS WHEREOF, FPL and the Applicant have executed this Agreement for the provision of electric underground distribution facilities to be effective as of the date first above written.

APPLICANT

FPL

Signed _____

Signed _____

Name _____

Name _____

Title _____

Title _____

ATTACHMENT "A"

Conversion of FPL Overhead Facilities to Underground along SR 17-92 at The Seminole County Criminal Justice Center, 101 Bush Blvd, Sanford

It is FPL's understanding that the FPL existing overhead feeder will be "dead-ended" at or near the north property line of the Seminole County Public Safety Complex, 100 Bush Blvd. The overhead line would be removed from that dead-end, south to a point at or near the south property line of the proposed Seminole County Criminal Justice Center, 101 Bush Blvd., where the existing overhead feeder would also be "dead-ended". The overhead facilities would be replaced with underground feeder cable in conduit in an easement granted by Seminole County on the 100 and 101 Bush Blvd. properties. From the north dead-end, FPL will directional bore conduits on the 100 Bush Blvd. property and under Bush Blvd. FPL will open trench and install conduits on the 101 Bush Blvd. property to the south dead-end. FPL will install primary cable, a padmounted transformer, and secondary conductors to continue service to the existing traffic signals at Bush Blvd and SR 17-92 and Flea World on SR 17-92.

This work would be done in conjunction with FPL providing underground electrical service to the proposed Seminole County Criminal Justice Center, 101 Bush Blvd.

**INSTALLATION OF UNDERGROUND ELECTRIC DISTRIBUTION FACILITIES
FOR THE CONVERSION OF OVERHEAD ELECTRIC DISTRIBUTION FACILITIES**

SECTION 12.1 DEFINITIONS

APPLICANT - Any person, corporation, or entity capable of complying with the requirements of this tariff who has made a written request for underground electric distribution facilities in accordance with this tariff.

CONVERSION - Any installation of underground electric distribution facilities where the underground facilities will be substituted for existing overhead electric distribution facilities, including relocations.

CONTRIBUTION-IN-AID-OF-CONSTRUCTION (CIAC) - The CIAC to be paid by an Applicant under this tariff section shall be determined according to the following formula:

$$\text{CIAC} = (\text{UG} + \text{NBV} + \text{R}) - (\text{OH} + \text{SV})$$

where UG is the estimated cost to install the underground electric distribution facilities requested, OH is the estimated cost to install new overhead electric distribution facilities as if the present facilities were to be completely replaced, NBV is the net book value (book value less accumulated depreciation) of the existing overhead electric distribution facilities to be removed from service after the installation of the underground facilities, R is the cost to remove the overhead electric distribution facilities for which the underground facilities will be substituted, and SV is the salvage value of the removed materials which constituted the overhead electric distribution facilities.

DISTRIBUTION SYSTEM - Electric service facilities consisting of primary and secondary conductors, service drops, service laterals, conduits, transformers and necessary accessories and appurtenances for the furnishing of electric power at utilization voltage.

SERVICE FACILITIES - The entire length of conductors between the distribution source, including any conduit and or risers at a pole or other structure or from transformers, from which only one point of service will result, and the first point of connection to the service entrance conductors at a weatherhead, in a terminal, or meter box outside the building wall; the terminal or meter box; and the meter.

SECTION 12.2 GENERAL

12.2.1 Application

This tariff section applies to all requests for underground electric distribution facilities where the facilities requested will be substituted for existing overhead electric distribution facilities. Any person, corporation, or entity capable of complying with the requirements of this tariff may submit a request as follows. Requests shall be in writing and must specify in detail the overhead electric distribution facilities to be converted or the area to be served by underground electric distribution facilities in lieu of presently existing overhead electric distribution facilities serving said area. Upon receipt of a written request FPL will determine the non-refundable deposit amount necessary to secure a binding cost estimate and notify the applicant of said amount.

12.2.2 Contribution-in-Aid-Of-Construction (CIAC)

Upon the payment of a non-refundable deposit by an Applicant, FPL shall prepare a binding cost estimate specifying the contribution in aid of construction (CIAC) required for the installation of the requested underground distribution facilities, where the installation of such facilities is feasible, and provide said estimate to the Applicant upon completion of the estimate along with an Underground Facilities Conversion Agreement. The CIAC amount to be collected pursuant to a binding cost estimate from an Applicant shall not be increased by more than 10 percent of the binding cost estimate to account for actual costs incurred in excess of the binding cost estimate. However, the CIAC may be subject to increase or refund if the project scope is enlarged or reduced at the request of the Applicant, or the CIAC is found to have a material error prior to the commencement of construction. The binding cost estimate provided to an Applicant shall be considered expired if the Applicant does not enter into an Underground Facilities Conversion Agreement and pay the CIAC amount specified for the installation of the requested underground electric distribution facilities within 180 days of delivery of the binding cost estimate to the Applicant by FPL.

(Continued from Sheet No. 6.300)

12.2.3 Non-Refundable Deposits

The non-refundable deposit for a binding cost estimate for conversion to a direct buried cable in conduit underground electric distribution system shall be determined by multiplying the number of pole line feet of existing overhead electric distribution facilities to be converted by \$1.20. The deposit must be paid to FPL to initiate the estimating process. The deposit will not be refundable, however, it will be applied in the calculation of the CIAC required for the installation of underground distribution facilities. The deposit and the preparation of a binding cost estimate are a prerequisite to the execution of an Underground Facilities Conversion Agreement. If the request for underground electric distribution facilities involves the conversion of less than 250 pole line feet of existing overhead facilities, then no deposit will be required for a binding cost estimate, provided, however, that all other requirements of this tariff shall still apply.

12.2.4 Non-Binding Cost Estimates

Any person, corporation, or entity may request a non-binding cost estimate free of charge. The non-binding cost estimate shall be an order of magnitude estimate to assist the requestor in determining whether to go forward with a binding cost estimate. An Underground Facilities Conversion Agreement may not be executed on the basis of a non-binding cost estimate.

12.2.5 Underground Facilities Conversion Agreement

Any Applicant seeking the installation of underground distribution facilities pursuant to a written request hereunder shall execute the Underground Facilities Conversion Agreement set forth in this tariff at Sheet No. 9.720. The Agreement must be executed and the CIAC paid by the Applicant within 180 days of the delivery of the binding cost estimate to the Applicant. Failure to execute the Agreement and pay the CIAC specified in the agreement within the 180 day time limit, or termination of the Agreement, shall result in the expiration of the binding cost estimate. Any subsequent request for underground facilities will require the payment of a new deposit and the presentation of a new binding cost estimate. For good cause FPL may extend the 180 day time limit. Upon execution of the Underground Facilities Conversion Agreement, payment in full of the CIAC specified in the binding cost estimate, and compliance with the requirements of this tariff, FPL shall proceed to convert the facilities identified in a timely manner. However, new service extensions, maintenance and reliability projects, and service restorations shall take precedence over facilities conversions.

12.2.6 Simultaneous Conversion of Other Pole Licensees

Before the initiation of any project to provide underground electric distribution facilities pursuant to an Underground Facilities Conversion Agreement, the Applicant shall have executed agreements with all affected pole licensees (e.g. telephone, cable TV, etc.) for the simultaneous conversion of those pole licensees' facilities and provide FPL with an executed copy of the Agreement(s). Such agreements shall specifically acknowledge that the affected pole licensees will coordinate their conversion with FPL and other licensees in a timely manner so as to not create unnecessary delays. Failure to present FPL with executed copies of any necessary agreements with affected pole licensees within 180 days after delivery of the binding cost estimate to the Applicant shall result in the expiration of the binding cost estimate, the return of any CIAC paid, and the termination of any Underground Facilities Conversion Agreement entered into between the Applicant and FPL.

12.2.7 Easements

Before the initiation of any project to provide underground electric distribution facilities pursuant to an Underground Facilities Conversion Agreement, the Applicant shall provide FPL all easements, ready for recording, specified as necessary by FPL to accommodate the requested underground facilities along with an opinion of title that the easements are valid. Failure to provide the easements in the manner set forth above within 180 days after the delivery of the binding cost estimate to the Applicant shall result in the expiration of the binding cost estimate, the return of any CIAC paid, and the termination of any Underground Facilities Conversion Agreement entered into between the Applicant and FPL.

12.2.8 Affected Customer Services

The Applicant shall be responsible for the costs associated with any modifications to the service facilities of customers affected by the conversion of FPL distribution facilities which are made necessary as a result of the conversion. The Applicant shall be responsible for arranging the conversion of affected residential overhead customer service facilities by providing, at no cost to FPL:

- a) any necessary rearranging of the customer's existing electric service entrance facilities to accommodate an underground service lateral through the use of a licensed electrical contractor, in accordance with all local ordinances, codes, and FPL specifications; and

(Continued on Sheet No. 6.320)

(Continued from Sheet No. 6.310)

- b) a suitable trench, install FPL provided conduit according to FPL specifications to a point designated by FPL, and perform the backfilling and any landscape, pavement or other similar repairs.

FPL shall be responsible for the installation of the service lateral cable, the cost of which shall be included in the Applicant's binding cost estimate. In the event a customer does not allow the Applicant to convert the customer's affected overhead services, or the Applicant fails to comply with the above requirements in a timely manner consistent with FPL's conversion construction schedule, then the Applicant shall pay FPL, in addition to the CIAC specified in the binding cost estimate, the costs associated with maintaining service to said customer through an overhead service drop. The cost for maintaining an overhead service drop from an underground system shall be:

- a) the sum of \$789 for residential dwellings containing less than five individual units; or,
b) the estimated cost to maintain service for residential dwellings containing five or more individual units.

For existing residential underground service laterals affected by a conversion the Applicant shall be responsible for the trenching, backfilling and any landscape, pavement or other similar repairs and installation of FPL provided conduit, according to FPL specifications, necessary to bring existing underground service laterals of affected customers to an FPL designated handhole or transformer. FPL will install the necessary cable, the cost of which shall be included in the binding cost estimate. However, in the event that a customer owned service lateral fails on connection to the underground distribution system the customer will be responsible for the replacement of their service lateral or compliance with section 10.5 of FPL's tariff.

The Applicant's responsibilities for modifications to the service facilities of non-residential customers affected by the conversion of FPL distribution facilities which are made necessary as a result of the conversion will be specified in an attachment to the Underground Facilities Conversion Agreement.

12.2.9 Other Terms and Conditions

Through the execution of the Underground Facilities Conversion Agreement found at tariff sheet no. 9.720 the Applicant agrees to the following:

- a) The Applicant shall be responsible for all restoration of, repair of, or compensation for, property affected, damaged, or destroyed, to accommodate the installation of underground distribution facilities and the removal of FPL's overhead distribution facilities;
b) the Applicant shall indemnify FPL from any claim, suit, or other proceeding, which seeks the restoration of, or repair of, or compensation for, 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 distribution facilities;
c) the Applicant shall clear easements provided to FPL of trees, tree stumps and other obstructions that conflict with construction or installation of underground distribution facilities in a timely manner consistent with FPL's construction schedule.

12.2.10 Type of System Provided

An underground distribution system will be provided in accordance with FPL's current design and construction standards.

(Continued on Sheet No. 6.330)

(Continued from Sheet No. 6.320)

12.2.11 Design and Ownership

FPL will design, install, own, and maintain the electric distribution facilities up to the designated point of delivery except as otherwise noted. The Applicant may, subject to a contractual agreement with FPL, construct and install all or a portion of the underground distribution facilities provided that:

- a) such work meets FPL's construction standards;
- b) FPL will own and maintain the completed distribution facilities;
- c) the construction and installation of underground distribution facilities by the Applicant is not expected to cause the general body of ratepayers to incur greater costs;
- d) the Applicant agrees to pay FPL's current applicable hourly rate for engineering personnel for all time spent reviewing and inspecting the Applicant's work done; and
- e) the Applicant agrees to rectify any deficiencies found by FPL prior to the connection of any Customers to the underground electric distribution system and the removal of the overhead electric distribution facilities.

12.2.12 Relocation

Where underground electric facilities are requested as part of, or for the purpose of, relocation, the requirements of this tariff shall apply. The Underground Facilities Conversion Agreement shall be executed as an addendum to the relocation agreement between FPL and the Applicant. In the event of any conflict between the relocation agreement and this tariff, the tariff shall control. Furthermore, where the regulations of the Federal or State Department of Transportation (DOT) prevent pre-payment of deposits and other conversion costs, the Federal or State DOT may pay the CIAC after the work has been performed.