

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

FILED

2008 APR -4 A 11: 32

IN RE: TAMPA ELECTRIC COMPANY AND  
PROGRESS ENERGY COMPANY'S  
LAKE AGNESS-GIFFORD TRANSMISSION  
LINE SITING APPLICATION NO. TA07-16

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Case No. 07-005691TL  
OGC Case No. 07-2216

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**NOTICE OF PROPOSED ALTERNATE CORRIDOR**

GARY von BEHREN, on behalf of Oak Island Cove Community Owners Association, files this Notice of Proposed Alternate Corridor pursuant to Florida Statutes, Section 403.5271 and states:

1. Oak Island Cove Community Owners Association (OIC) is a non-profit Florida corporation responsible for the community of 91 single-family homes located in western Osceola County, Florida. For purposes of this proceeding, OIC should be served by mailing all pleadings and papers as follows:

Gary von Behren, president  
Oak Island Cove Community Owners Association  
c/o 2872 Blooming Alamanda Lp  
Kissimmee, FL 34747-2252

Phone: 407-390-1544  
Cellular: 678-622-1468

2. OIC has substantial interests in the outcome of this proceeding. Approval of the preferred corridor identified in the application for certification would result in the construction and maintenance of transmission line structures immediately adjacent to OIC property (the Affected Area) that would affect the use, enjoyment, and value of several homes as evidenced by Applicants' own aerial maps. Public safety would also be compromised because of the nearness of the proposed structures to metal pool enclosures on 4 - 5 OIC homes. Finally, our understanding is that the Tollway Authority desires

placement of the poles nearest the outer boundary of the expressway (within 15 feet of the fence line). This can adversely impact another 6 – 8 OC homes.

3. Pursuant to the **REVISED** SCHEDULE FOR REVIEW OF CORRIDOR CERTIFICATION APPLICATION FOR TAMPA ELECTRIC COMPANY'S AND PROGRESS ENERGY COMPANY'S LAKE AGNES - GIFFORD 230 kV TRANSMISSION LINE dated February 29, 2008; OIC has filed or will file on or before June 16, 2008 a petition to intervene as a party in these proceedings. This Notice shall also constitute notice of intent to be a party to the extent required by Sections 572.2.c.3 and 572.2.d, Florida Statutes.

4. Statement of OIC Concerns based on Applicant's exhibits. For clarity, Applicants' exhibits in the Affected Area are appended to this Notice. Additional Exhibits generated by OIC are also appended to this Notice.

a. As shown by Applicants' Attachment 2-1, page 9 of 11, the proposed corridor width places the transmission line and poles within 45-50 feet of 4 – 5 OIC homes or their attached metal pool enclosures. A close up of the affected area in OIC showing the corridor boundary (Exhibit 1) clearly shows several more homes are within that boundary. For additional clarity. OIC Exhibit 2 shows a clearer aerial photo substantiating the extent of the affected homes within OIC.

b. OIC is a non-profit Florida corporation and relies on owner assessments from its 91 owners to maintain common areas, purchase insurance and pay utilities for street lighting, irrigation and landscaping maintenance. Loss of 5 – 10% of the subdivision through condemnation or owners walking away from their mortgages will place a severe burden on the remaining owners.

c. OIC owners mostly use their homes for short-term rentals due to the close proximity of Disney World to the subdivision. Construction of the SR 429 overpass was construed by some guests as disturbing to the tranquility of their holiday. Because nearly half of the homes are foreign-owned, their customer rentals are to United Kingdom or European guests. Addition of power lines will further deteriorate the marketability of any short-term rental home nearest the expressway.

- d. Loss of rental volume by OIC owners will also lower the amount of the 13% county tax on short-term rentals and potentially also lower the property tax receipts due to lower assessed valuations.
- e. Movement of the poles to the west side of SR 429 will only shift the onerous situation to Emerald Island townhome owners, which is another short-term rental community. Although OIC does not represent those owners, the proposed Alternate Corridor will not only satisfy OIC, but also Emerald Island townhome owners.

5. Description of Proposed Alternate Corridor The Alternate Corridor proposed by OIC shall be referred to herein as the "Alternate Corridor". Attached as Exhibit 4 is the Alternate Corridor, superimposed on a portion of Applicants USGS quadrangle maps for the affected area. The Alternate Corridor is best described in relation to the preferred and alternate routes proposed by Applicants as follows:

- a. Commence at a point approximately 2000 feet south of Funie Steed Road on the west side of SR 429.
- b. Turn northwesterly and proceed approximately 2000 feet then begin a 90 degree arc so that the direction changes to northeasterly.
- c. Proceed northeasterly approximately 2000 feet and rejoin the preferred route northward along SR 429 until the terminus at the Gifford substation.

6. The Alternate Corridor proposed above should be certified for the following reasons:

- a. The Alternate Corridor does not impede or affect the need to provide the electric power system reliability defined as the need by the Applicants.
- b. The Alternate Corridor will enable Applicants to meet the electrical energy needs of the state in an orderly economical and timely fashion.
- c. The Alternate Corridor will be consistent with applicable provisions of local government comprehensive plans, if any.
- d. The cost of the Alternate Corridor, estimated at 4000 feet, would replace 3200 feet of Preferred Corridor or an additional approximate 800 feet. The additional cost of this 800 feet is estimated to be about \$240,000 (based on a

construction cost of \$1.6 million per mile), less than the acquisition cost of 4 of the Oak Island Cove homes, estimated to be \$1.1 million.

e. The additional cost of the Alternate Corridor may be overstated to the extent that the Alternate corridor is at ground level and not along an elevated roadway along the Preferred Corridor in the affected area.

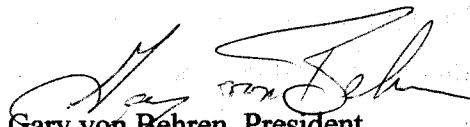
f. The Alternate Corridor better meets the top result of the citizen survey—"minimize the number of residences within a corridor and 250 feet from a corridor boundary." It will place the transmission line as much as 500 feet from the nearest homes rather than as close as 30 – 45 feet from the lines within OIC.

g. The Alternate Corridor will affect a more reasonable balance between the need for the transmission line as a means of providing reliable, economically efficient electric energy, as determined by the commission and the Alternate Corridor has the least adverse impact on OIC and the Applicants, including costs.

7. The Alternate Corridor will result in a superior location of the transmission line when compared with the Applicants preferred corridor.

Pursuant to Section 403.5271, Florida Statutes, OIC proposes the Alternate Corridor set forth above for acceptance and certification.

Dated: April, 2, 2008



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