

THE CITY OF CORAL GABLES

OFFICE OF
THE CITY ATTORNEY



The City Beautiful

CITY HALL 405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134

September 15, 2017

Patrick Bryan, Senior Counsel
Florida Power & Light

Via electronic mail: patrick.bryan@fpl.com

RE: Restoration of power to City of Coral Gables residents

Mr. Bryan:

Today is the sixth day since the passing of Hurricane Irma in the South Florida area and still a substantial and inordinate number of City of Coral Gables residents and businesses unjustifiably remain without power. This poses a significant public safety concern, particularly because of the high summer temperatures and the lack of air conditioning, bringing this matter within the City's police power. It is evident that Florida Power and Light (FPL) was inadequately prepared to respond to this storm and this is particularly concerning in light of the fact that the storm ultimately brought significantly slower winds than predicted.

As directed by the City Commission and on behalf of the City's residents and businesses, FPL is hereby ordered to restore power throughout the City by Sunday, September 17th at 11:45 p.m. This deadline is consistent with FPL's commitment that power will be restored along the East coast of Florida by then.

In addition, FPL has not adequately responded to situations involving downed or low power lines, particularly where such downed or low lines are in trees that have fallen in the right-of-way. The City is not permitted to clear trees from the right-of-way that have a downed or low power line, as the power line must first be removed by FPL. This situation poses a dangerous hazard to the community, and prevents the City from being able to clear the right-of-way of the tree because of the existence of the power line, which again brings the matter within the City's police power. This must be remedied by 5pm today.

Failure to comply with this letter will subject FPL to a fine of \$500 per day consistent with Section 2-203 of the City of Coral Gables Code and fines up to \$15,000 consistent with Section 162.09, Florida Statutes.

The City reserves the right to seek cumulative or additional remedies including filing a complaint with the Florida Public Service Commission.

Sincerely,



Craig E. Leen, City Attorney



Miriam S. Ramos
Deputy City Attorney and City Prosecutor

C: Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena
Commissioner Frank Quesada
City Manager Cathy Swanson-Rivenbark
Assistant City Manager/Building Official Peter Iglesias
Charles Knight, External Affairs Area Manager, FPL