

FLORIDA UTILITIES COORDINATING COMMITTEE

MAY 7, 1971, RAMADA INN
FORT MYERS, FLORIDA

MINUTES

The meeting was called to order at 9:00 a.m. by Chairman Bob Corn. Self introductions were made as follows:

K. L. Brown	Tampa Electric Co.	Tampa
Bob Corn	Florida Gas Trans.	Winter Park
Larry Housel	J. E. Griener Co.	Tampa
Glen Cock	Tampa Electric Co.	Tampa
Verne Brown	General Tel. Co.	Tampa
Al Welchly	Pinellas City Hwy Div.	Clearwater
R. D. Bullington	AT & T Co.	Miami
F. A. Reynolds	AT & T Co.	Miami
T. A. Palmer	SBT & T Co.	Jacksonville
L. B. Whipple	DOT Maint. Office	Ft. Myers
C. A. Sissons	United Tel. Co.	Ft. Myers
G. B. Prime	Fla. Power & Light	Daytona Beach
Stanley Warth	SBT & T Co. (Retired)	Jacksonville
W. F. Moss	AT & T Co.	Atlanta
Paul Mundy	General Tel. Co.	Tampa
Carl Friedman	General Tel. Co.	Lakeland
Don Brant	City of Orlando	Orlando
Tom Sanders	Orlando Utilities Comm.	Orlando
Merle Stephens	Jax. Elec. Auth.	Jacksonville
Jimmy Price	Clay Electric Coop.	Keystone Hts.
Thomas E. Lewis	Clay Electric Coop.	Keystone Hts.
Walter C. Holmes	AT & T Co.	Gotha
Jim Bell	Fla. Gas Trans. Co.	Orlando
Ted Fleck	G.P.I. Water Assoc.	Ft. Myers
Gene McMath	United Tel. of Fla.	Ft. Myers
W. L. Roberts, P.E.	DOT	Ft. Myers
A. W. Landers	DOT	Ft. Myers
Chuck Jenkins	Fla. Tel. Corp.	Leesburg
Arthur Young	Fla. Tel. Corp.	Winter Garden
B.B. Godfrey	DOT	Deland
Thomas E. Hollis	Fla. Power & Light	Ft. Myers
Walter Welch	South Fla. Cable TV	Ft. Myers Beach
Ralph L. Wise	Public Works Dept.	City of Ft. Myers
Jerry Moore	Gulf Power	Pensacola
Kemp Kempson	Gulf Power	Pensacola
R. B. Sensabaugh	DOT	Tallahassee
R. N. Willis	Fla. Power & Light	Sarasota
W. H. Anderson	Fla. Power & Light	Sarasota
W. R. Stoos	DOT	Bartow
G. E. Watson	Lee County Elec.	Ft. Myers

The minutes of the February 5, 1971, meeting were approved by the Committee.

OLD BUSINESS

Signs Overhanging Right of Ways Subcommittee: Mr. Kempson reported he still had not received a reply from Mr. Bill Gartner regarding the subcommittee's recommendation. Kemp asked Mr. Ray Sensabaugh if he would check with Mr. Gartner to make sure that our recommendation was not misplaced or overlooked.

Utility Relocation Agreement Subcommittee: Mr. Verne Brown reported that the subcommittee met with the DOT on April 8 in Tallahassee. Verne outlined all of the changes agreed to at the meeting. Since the April 8 meeting, Verne stated that he polled the subcommittee by telephone and the consensus vote was to accept the wording in the agreement. Verne then read a letter from Mr. J. W. Brown of April 15, 1971. The letter expressed appreciation for the cooperation and assistance of the subcommittee in reaching such close agreement on the Utility Relocation Agreement. The letter also stated that the agreement forms were being initiated into use by the District Engineers.

A motion was made by Verne Brown and seconded that the Committee adopt the subcommittee's recommendation. Glen Cock addressed the Committee and clarified the objection some of the members have regarding paragraph three of the Utility Relocation Agreement form. Glen stated that his company was close to agreement and could accept such wording as "The Company will relocate its facilities with sufficient promptness so as to avoid delay to the Department or its contractors ...". Glen recommended that the Committee accept the form except for the wording in the first sentence of paragraph three and asked that the Committee adopt the agreement form only if the words "avoid delay" replace the words "no delay".

Andy Palmer also addressed the Committee objecting to the same paragraph. Andy said both the subcommittee and the Bell Telephone Company lawyers had proposed the wording be changed to state that the Company will relocate with "reasonable promptness" so as to cause no delay, etc., or the Company will relocate with sufficient promptness so as to cause no unreasonable delay. Andy said that all proposals to change the wording in this sentence have been turned down by the DOT and therefore he strongly suggested the agreement not be accepted by the Committee as it is presently worded, but asked that the Committee accept it only if the word "reasonable" is substituted for "sufficient".

Ray Sensabaugh also addressed the Committee and stated that those utilities who still feel they cannot accept the agreement have three paths they can use:

1. Sign the agreement in its present form.
2. Sign the agreement and knock out any words they object to and hope it will pass the DOT Legal Department.
3. Wait for a 30 day notice to relocate.

Ray continued to explain the Department's viewpoint and said he felt the courts would consider any unusual circumstances involved with a delay.

A vote was taken of all organizations on the motion by Verne Brown that the Committee adopt the subcommittee's recommendation.

The vote was recorded 8 in favor and 7 against adoption of the agreement form.

The motion to adopt the agreement in its present form was carried. Andy Palmer asked that his name be recorded as voting against the motion.

A motion was made by Glen Cock that the Committee continue to work with the DOT in an effort to change the objectional wording in paragraph 3 to a degree that would be acceptable to all utilities. Glen stated that since the agreement form has been adopted by the Committee, those utilities who wish to execute it in its present form can now do so, therefore, relieving some of the pressure but there are still utilities who will not use the agreement form as it exists. The motion was seconded and carried by majority vote.

Chairman Corn asked Glen Cock to be co-chairman with Verne Brown and the same subcommittee members will make up the committee.

NEW BUSINESS

None

ANNOUNCEMENTS

Chairman Corn announced that the F.U.C.C. annual elections for officers are scheduled for the next meeting in August.

A nominating committee was appointed by the chairman as follows: Bob Corn, Ken Brown, Verne Brown, and Larry Housel.

There being no further business, the chairman adjourned the meeting, which was immediately followed by a luncheon hosted by the United Telephone Company of Florida and Lee County Electric Coop., Inc.

The Committee is grateful to Messrs. Chuck Sissons and Homer Welch for the fine arrangements made for our meeting. The next meeting will be hosted by Florida Power and Light Company in Daytona Beach, August 6, 1971.

Respectfully submitted,



K. L. Brown
Secretary