

M E M O R A N D U M

TO: Governing Board Members

FROM: Rich Virgil, P.E., Field Operations Division

DATE: September 10, 2026

SUBJECT: Request for Right of Way Occupancy Permit, Hendry County

Agenda Item Background:

Florida Power & Light Company (Applicant) requests a Standard Right of Way Occupancy Permit Number 17751-R (ROW Permit) for an existing unauthorized aerial parallel run within the east right of way of the L-1 and the L-2 Canals beginning just south of C.R. 835 and continuing southward approximately 10 miles. The ROW Permit for this existing 10-mile-long utility installation requires a waiver of District criteria because it does not fully comply with the requirement that parallel run installations be installed within 10 feet of the right of way line. Of the 90 poles within the right of way, 36 are compliant (within 10 feet of the right of way line). The remaining 54 poles (which range from 10+ to no more than 25 feet from the right of way line) require a waiver.

The District's overbank (e.g., the land between the top of bank and the right of way line) is extraordinarily wide through this canal reach, varying from 150 to 230 feet from top of bank. In addition, the closest pole is 145 feet from the top of bank. Given the generous width of the overbank and the distance between the existing poles and the top of bank, it would be unreasonable and of no benefit to the District to require FPL to relocate approximately 60 percent of the poles 15 feet (or less) closer to the right of way line. If required to relocate the poles and associated distribution lines, FPL would incur a significant and unnecessary financial hardship.

The existing aerial parallel run has been in its current location for more than 20 years without any adverse impact to District operations or maintenance. If the waiver is granted, the existing poles will not interfere with or adversely impact the District's routine or emergency operations, maintenance, or future construction activities.

Staff Contact and/or Presenter:

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ATTACHMENTS:

[Backup Presentation](#)