

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: June 20, 2019
TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk
FROM: Adria Harper, Office of the General Counsel *AH*
RE: Docket No. 20190047-GU

Please file the attached materials in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
2019 JUN 20 PM 1:27
COMMISSION
CLERK

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

June 20, 2019

Mr. Ernest Reddick
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

2019 JUN 20 AM 10:17
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
FILED

Re: Rule Certification Packet for Rule 25-12.005, F.A.C., Codes and Standards Adopted

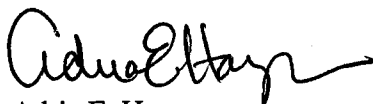
Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rule 25-12.005, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rule;
- (2) One original and two copies of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically.
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the signed designation of minor violation rule certification form required by Rule 1-1.010, F.A.C.;
- (5) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (6) One original and two copies of the summary of the rule;
- (7) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (8) One original and two copies of the summary of the hearings held on the rule.

Please let me know if you have any questions. The contact name and information for this rule are Adria Harper, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, aharper@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Adria Harper", with a long horizontal flourish extending to the right.

Adria E. Harper
Senior Attorney

Enclosures

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Thursday, June 13, 2019 10:56 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-12.005 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-12.005

Reference Number: Ref-10790; Reference Name: 49 C.F.R. 191 (October 1, 2018)

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Thursday, June 13, 2019 10:58 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-12.005 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-12.005

Reference Number: Ref-10792; Reference Name: 49 CFR Sects 192 83 Fed Reg Nov 20, 2018

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Thursday, June 13, 2019 10:57 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-12.005 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-12.005

Reference Number: Ref-10794; Reference Name: 49 CFR 192 (October 1, 2018)

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Thursday, June 13, 2019 10:56 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-12.005 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-12.005

Reference Number: Ref-10791; Reference Name: 49 CFR 199 (October 1, 2018)

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rule 25-12.005, F.A.C., have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

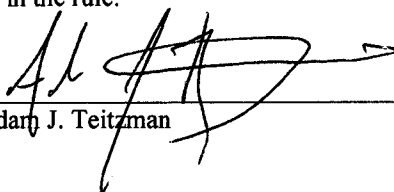
49 C.F.R. 191 (October 1, 2018)

49 C.F.R. Sections 192 as amended by 83 Federal Register 58716, November 20, 2018

49 C.F.R. 192 (October 1, 2018)

49 C.F.R. 199 (October 1, 2018)

Under the provisions of Section 120.54(3)(e)6., F. S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.



Adam J. Teitzman

Commission Clerk

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.


Attached are the original and two copies of the rule covered by this certification. The rule are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-12.005

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



ADAM J. TRITZMAN

Commission Clerk
Title _____

Number of Pages Certified _____

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rules covered by this certification:

Rule No. 25-12.005



Signature of Agency Head

Chairman, Florida Public Service Commission
Title

25-12.005 Codes and Standards Adopted.

The ~~Minimum Federal Safety Standards~~ and reporting requirements for pipeline facilities and transportation of gas prescribed by the Pipeline and Hazardous Materials Safety Administration in 49 C.F.R. 191 (October 1, 2018) and 192 (2017), ~~are~~ is adopted and incorporated by reference as part of these rules, and ~~49 C.F.R. 191 (2017)~~ may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10790>

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07920>~~. The Minimum Federal Safety Standards for pipeline facilities and transportation of gas prescribed by the Pipeline and Hazardous Materials Safety Administration 49 C.F.R. Sections 192.121, 192.123, 192.143, 192.145, 192.149, 192.191, 192.204, 192.281, 192.283, 192.285, 192.3, 192.313, 192.321, 192.329, 192.367, 192.375, 192.376, 192.455, 192.513, 192.59, 192.720, 192.756, of 49 C.F.R. 192, as amended by 83 Federal Register 58716, November 20, 2018, are adopted and incorporated by reference as part of these rules and may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10792>. The remaining sections of 49 C.F.R. 192, as of October 1, 2018, are adopted and incorporated by reference as part of these rules and may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10794>. ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07923>~~. 49 C.F.R. 192 (2017) may be accessed at ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07923>~~, 49 C.F.R. 199 (October 1, 2018) (2017), “Drug and Alcohol Testing,” is adopted and incorporated by reference as part of these rules and to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for onsite construction of natural gas transporting pipeline facilities. 49 C.F.R. 199 (October 1, 2018) (2017) may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10791> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07921>~~. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

Rulemaking Authority 368.03, 368.05(2), 350.127(2) FS. Law Implemented 368.03, 368.05 FS. History—New 11-14-70, Amended 9-24-71, 9-21-74, 10-7-75, 11-30-82, 10-2-84, Formerly 25-12.05, Amended 8-8-89, 1-7-92, 5-13-99, 4-26-01, 12-15-09, 10-11-12, 3-2-17, _____.

SUMMARY OF THE RULE

Rule 25-12.005, F.A.C., implements federal reporting requirements and safety standards for natural gas pipeline operators and emergency response persons of a gas utility or gas pipeline operator. The rule incorporates by reference the federal regulations that apply to natural gas pipeline operators within the Commission's jurisdiction that are found in 49 C.F.R. Parts 191, 192, and 199.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-12.005, F.A.C., is amended to incorporate by reference the updated federal C.F.R. provisions and standards pertaining to pipeline safety.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.