

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

SELECT A TYPE: new

RULE NO: RULE TITLE:

25-18.020: Pole Safety, Inspection, Maintenance, and Vegetation Management

PURPOSE AND EFFECT: To administer and implement Section 366.04(9), Florida Statutes, concerning the safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for poles of communication services providers.

Docket No. 20210138-PU

SUMMARY: Rule 25-18.020 identifies the entities that must comply with the rule; establishes safety, inspection, and maintenance standards for poles; sets forth requirements for inspection, repair, replacement, and vegetation management of poles; sets forth requirements for the submission of emergency response and storm restoration procedures and protocols; establishes the filing date and requirements for an annual report; and establishes monetary penalties for a willful violation or refusal to comply with the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC was not prepared and ratification is not required pursuant to the exemption in Section 120.80(13)(g), FS

RULEMAKING AUTHORITY: 350.127(2), 366.04(9)(b) FS

LAW IMPLEMENTED: 366.04(9), 366.095 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Margo A. DuVal, mduval@psc.state.fl.us, (850) 413-6076, or Adria Harper, aharper@psc.state.fl.us, (850) 413-6082, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-18.020 Pole Safety, Inspection, Maintenance, and Vegetation Management.

(1) This rule applies to all communications services providers as defined in Section 366.02(5), F.S., that own poles as defined in Section 366.02(6), F.S. This rule does not apply to poles used solely to support wireless communications service facilities or poles with no public utility electrical overhead facilities attached. For the purposes of this rule, "overhead facilities" are defined as fixtures, conductors, wires, cables, and other devices owned by public utilities that are attached to poles owned by a communications services provider.

(2) Safety, Inspection, and Maintenance Standards. Each communications services provider must exercise due care to reduce hazards to which its employees, customers, and the public may be subjected by reason of its poles. Accordingly, all poles of communications services providers subject to the Commission's jurisdiction under Section 366.04(9), F.S., must be constructed, installed, maintained, relocated, and inspected in accordance with the National Electrical Safety Code (NESC), which is incorporated by reference in Rule 25-6.0345, F.A.C.

(3) Inspection, Repair, and Replacement of Poles. Each communications services provider must conduct inspections of its poles at least every eight (8) years to ensure adherence to the strength and clearance standards of the NESC. Inspections must include visual checks to determine compliance with the strength and clearance standards of the NESC. Poles not in compliance with NESC standards must be repaired or replaced to meet those standards.

(4) Vegetation Management of Poles. Each communications services provider must ensure that the vegetation management of its poles meets the standards set forth in Part 2 of the NESC.

(5) Emergency Response and Storm Restoration Procedures and Protocols. Within six months of the effective date of this Rule, each communications services provider must provide a copy of its emergency response and storm restoration procedures and protocols to the Division of Engineering.

(a) The procedures and protocols must include the following:

1. A description of the communications services provider's procedures and protocols for communicating with federal, state, and local emergency operations officials;

2. A description of how the public can contact the communication services provider to report issues with its poles, such as broken poles, downed overhead facilities, or obstructive vegetation; and

3. A description of the communication services provider's procedures to repair and replace damaged poles and overhead facilities, including protocols for coordinating with public utilities, through emergency response and storm restoration efforts.

(b) If the communication services provider makes changes to its emergency response and storm restoration procedures and protocols, the communication services provider must file the updated emergency response and storm restoration procedures and protocols with the Division of Engineering within 30 days of the change.

(c) Every three calendar years after the initial submission, each communication services provider must notify the Division of Engineering in writing that it has reviewed its emergency response and storm restoration procedures and protocols.

(6) Reporting Requirements. By June 1 of each year, each communications services provider must file with the Commission Clerk an Annual Report.

(a) The Annual Report must include the following information for the prior calendar year:

1. The number of poles owned in whole or in part by the communications services provider at the beginning and at the end of the calendar year;

2. The number of poles that were scheduled for inspection;

3. The number of poles actually inspected;

4. The number of poles that failed inspection;

5. The number of poles strength tested and the methods used to ensure compliance with the NESC strength requirements;

6. The number of poles that failed strength testing;

7. The number of poles repaired and a summary of the repairs;

8. The number of poles replaced and reason for replacement; and

9. The total miles of vegetation management conducted.

(b) The Annual Report must include the following information for the upcoming calendar year:

1. The number of poles to be inspected; and

2. The total miles for which vegetation management will be conducted.

(7) Penalties. A willful violation or refusal to comply with this rule will result in monetary penalties as follows:

(a) \$500 for the first violation;

(b) \$1,000 for the second violation;

(c) \$1,500 for the third violation;

(d) \$2,000 for the fourth violation; and

(e) \$5,000 for the fifth and any subsequent violation.

Rulemaking Authority 350.127(2), 366.04(9)(b) FS. Law Implemented 366.04(9), 366.095 FS. History-
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Penelope Buys

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 47, Number 182, September 20, 2021.



Florida Department of State

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ID	Rule No./ Organization	Rule Title	Section	Issue	Date
25639930	25-18.020	Pole Safety, Inspection, Maintenance, and Vegetation Management	Proposed	3/8/2022 Vol. 48/46	3/7/2022

Notices Confirmed by ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
None					

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