

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule)
 25-6.0345, F.A.C., pertaining)
 to safety standards for)
 transmission and distribution)
 facilities constructed after)
 July 1, 1986.)

DOCKET NO. 891185-EU

ORDER NO. 22362

ISSUED: 1/2/90

NOTICE OF RULEMAKING

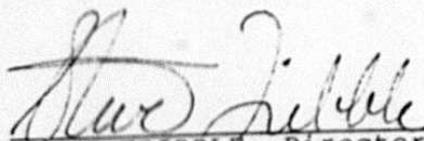
NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-6.0345, F.A.C., relating to safety standards for transmission and distribution facilities constructed after July 1, 1986.

The attached Notice of Rulemaking will appear in the December 29, 1989, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

1:30 a.m., Friday, January 26, 1990
 Room 122, Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399, no later than January 19, 1990.

By Direction of the Florida Public Service Commission,
 this 2nd day of JANUARY, 1990.



STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

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ORDER NO. 22362
DOCKET NO. 891185-EU
PAGE 2

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 891185-EU

RULE TITLE:

RULE NO.:

Safety Standards for Transmission
and Distribution Facilities Constructed
After July 1, 1986

25-6.0345

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the 1990 version of the National Electrical Safety Code (ANSI C2) in accordance with section 366.04(4)(b), Florida Statutes. That statute requires that the Commission, in promulgating safety standards for electric transmission and distribution facilities, adopt any new edition of the Code published. The effect of the amendment is to make the provisions of the 1990 Code the applicable safety standards for new construction of transmission and distribution facilities begun after January 28, 1990.

SUMMARY: Rule 25-6.0345 applies safety standards for transmission and distribution to all investor-owned, municipal, and cooperative electric utilities in the state. It currently incorporates by reference the 1984 and 1987 editions of the National Electrical Safety Code (American National Standard Code or ANSI C-2) as initial safety standards for transmission and distribution facilities.

For transmission and distribution facilities subject to the Commission's safety jurisdiction, each utility must identify such facilities and authoritatively confirm or certify to the

ORDER NO. 22362
DOCKET NO. 891185-EU
PAGE 3

Commission that they meet or exceed the applicable standards. Compliance inspections by the Commission are made on a random basis or as appropriate.

The proposed revisions would substitute the 1990 edition of the National Electrical Safety Code (ANSI C-2) for the 1987 edition. The rule revisions would adopt and incorporate by reference the provisions of that code as the applicable safety standards for new transmission and distribution facilities. The standards contained in the 1990 edition would be applicable to design and approval of new construction after January 28, 1990.

Also, some extraneous language would be eliminated with adoption of the proposed rule revisions.

RULEMAKING AUTHORITY: 366.04(4), F.S.

LAW IMPLEMENTED: 366.04(4), F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: The Commission will incur no significant new costs or paperwork with adoption of the 1990 edition of National Electrical Safety Code. The adoption new Code will likewise have no significant impact on the electric utilities to which Commission's safety jurisdiction applies. Investor owned electric utilities and rural electric cooperatives currently follow the Code in constructing transmission and distribution facilities, as do the majority of municipal electric utilities. There will be no impact on small businesses, since none of the affected utilities meet the definition of a "small business" under section 120.54 (2) (a),

ORDER NO. 22362
DOCKET NO. 891185-EU
PAGE 4

Florida Statutes. The proposed rule will further have no impact on competition within the Florida electric industry. The 1990 edition of the Code will apply uniformly to all utilities and will not affect their relative competitive positions. Employment should not be affected by the rule amendment, since there should be no more or less labor in adhering to the 1990 standards. The methodology used to formulate economic impact included evaluation of data requests and discussions with the Commission's Bureau of Electric Safety personnel on the impact of the 1990 standards. Standard microeconomic theory was used to assess any possible impact on the industry.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 1:30 P.M., Friday, January 26, 1990,
PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.
THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: David E. Smith, Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE RULE IS:

25-6.0345 Safety Standards for Transmission and Distribution Facilities Constructed After July 1, 1986.

ORDER NO. 22362
DOCKET NO. 891185-EU
PAGE 5

(1) The Commission adopts, and incorporates by reference, those standards prescribed in the 1984 edition of the National Electrical Safety Code (ANSI C-2) as initial safety standards for transmission and distribution facilities of all public electric utilities, rural electric cooperatives, and municipal electric systems. All utilities shall comply with the standards in these provisions.

(2) For transmission and distribution facilities subject to the Commission's safety jurisdiction, each utility shall identify such facilities and authoritatively confirm or certify to the Commission that they meet or exceed the applicable standards. Compliance inspections by the Commission shall be made on a random basis or as appropriate.

(3) The Commission has reviewed the 1990 ~~1987~~ edition of the National Electrical Safety Code (ANSI C-2), and as of January 28, 1990 ~~September-17-1987~~, adopts and incorporates by reference the provisions of that code as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. Standards contained in the 1990 ~~1987~~ edition shall be applicable to new construction for which design and approval are started on or after January 28, 1990. ~~September-17-1987, provided that utilities may apply the standards contained in the 1987 edition to new construction for which design and approval were started on or after February 17 1987 but before September 17 1987. --Transmission and~~

ORDER NO. 22362
DOCKET NO. 891185-EU
PAGE 6

distribution-facilities-subject-to-Commission-safety-jurisdiction which-meet-applicable-safety-standards-when-constructed-need-not be-modified-to-comply-with-subsequently-adopted-standards, provided-that-construction-under-the-standards-of-the-1984 edition-must-be-commenced-on-or-before-February-17-1988-unless, for-good-cause-shown, a-utility-receives-permission-for-a-later commencement-date-from-the-Commission.

(4) As soon as practicable, but by the end of the next business day after it learns of the occurrence, each public utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report to the Commission any accident occurring in connection with any part of its transmission or distribution facilities which:

(a) Involves death or injury requiring hospitalization of non-utility persons; or

(b) Is significant from a safety standpoint in the judgment of the utility even though it is not required by (a).

(5) Each public utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report any accident or malfunction, occurring in connection with any part of its transmission or distribution facilities, to the Commission within 30 days after it learns of the occurrence, provided the accident or malfunction:

(a) Involves damage to the property of others in an amount in excess of \$5000; or

ORDER NO. 22362
DOCKET NO. 891185-EU
PAGE 7

(b) Causes significant damage in the judgment of the utility to the utility's facilities.

(6) Unless requested by the Commission, reports are not required with respect to personal injury, death, or property damage resulting from vehicular equipment striking poles or other utility property.

Rulemaking Authority: 350.127(2), F.S.

Law Implemented: 366.04(4), F.S.

History: New 8/13/87, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Carlton Gray, Division of Electric and Gas

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED: December 19, 1989

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.