

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Repeal of Rules 25-7.056,)
 and 25-7.082, F.A.C.)
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)
)

DOCKET NO. 890382-GU
 ORDER NO. 21379
 ISSUED: 6-14-89

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to repeal Rules 25-7.056 and 25-7.082, relating to gas safety.

The attached Notice of Rulemaking will appear in the June 16, 1989 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Friday, July 14, 1989
 Room 122, Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL, 32399, no later than July 7, 1989.

By Direction of the Florida Public Service Commission,
 this 14th day of JUNE, 1989.


 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

WHH

DOCUMENT NUMBER-DATE
 05911 JUN 14 1989
 FPSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 890382-GU

RULE TITLE:	RULE NO.:
Installation Practices	25-7.056
Utilization by Customers	25-7.082

PURPOSE AND EFFECT: The statutory jurisdiction of the Florida Public Service Commission does not extend to distribution of gas beyond the last meter prior to consumption. To clarify the rules to relate to the statutory jurisdiction, Rule 25-7.056 and 25-7.082 should be repealed.

SUMMARY: Currently, Rule 25-7.056, Installation Practices, states that gas piping and appliances must be installed in conformance with standards required under Rule 25-12.005, Codes and Standards Adopted. Rule 25-7.082, Utilization by Customers, requires natural gas utilities to test all customer piping and appliances for safety prior to initiation of service. In addition, Rule 25-7.082 relieves natural gas utilities from liability for the condition, maintenance, or continuing inspection of customer piping and appliances.

The proposed rule repeals are designed to conform Commission rules to statutory authority. Repeal of Rules 25-7.056 and 25-7.082 would eliminate reference to customer piping and appliances and the consequent implication of Commission authority over installation and testing of such facilities.

RULEMAKING AUTHORITY: 366.05(1), 368.05(2), 351.127(2), F.S.

LAW IMPLEMENTED: 366.05(1), 366.05(3), 368.03, 368.05(2), F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULES: The above noted changes to the rules are not expected to impose any material costs on the Florida Public Service Commission or the gas utilities. Gas utilities are already required to conform with Federal Department of Transportation Regulations. By removing references to appliance standards and piping practices, the inference of some FPSC jurisdiction in this area is removed.

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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: 9:30 A.M., Friday, July 14, 1989

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE RULES IS:

25-7.056 Installation Practices. The practices governing piping and appliance installation shall conform to the standards as set forth in Rule 25-12.05.

Specific Authority: 366.05(1), F.S.

Law Implemented: 366.05(1), F.S.

History: Repromulgated 1/8/75, 5/4/75, Amended 5/27/76, formerly 25-7.56, Repealed _____.

25-7.082 Utilization by Customers.

(1) No utility shall establish gas service to any applicant until the utility has made such test of all supply piping and gas appliances as will enable it to insure, beyond reasonable doubt, the absence of any hazardous condition in the piping and appliance installation.

(2) Nothing in this rule shall be construed to make the utility liable for the condition or maintenance of piping or appliances owned by the customer beyond the making of the test above required; nor shall the utility be held liable for any continuing duty of inspection of such piping or appliances.

Specific Authority: 366.05(1), F.S.

Law Implemented: 366.05(3), F.S.

History: Repromulgated 1/8/75, 5/4/75, formerly 25-7.82, Repealed _____.

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NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Mills

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission

DATE PROPOSED RULES APPROVED: May 30, 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.