

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: AMENDMENT of Rule 25-4.036, F.A.C., pertaining to design and construction of plant.	) ) ) ) )	DOCKET NO. 900771-TP  ORDER NO. 23983  ISSUED: 1-14-91
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NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-4.036, F.A.C., relating to design and construction of plant.

The attached Notice of Rulemaking will appear in the January 18, 1991 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Thursday, February 21, 1991  
 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, FL 32399, no later than February 8, 1991.

By Direction of the Florida Public Service Commission, this  
 14th day of JANUARY, 1991.

  
 STEVE TRIBBLE, Director  
 Division of Records & Reporting

( S E A L )

WEW/cp

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DOCUMENT NUMBER-DATE

00403 JAN 14 1991

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FLORIDA PUBLIC SERVICE COMMISSION

Division of Appeals

DOCKET NO. 900771-TP

RULE TITLE:

RULE NO.:

Design and Construction of Plant

25-4.036

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the 1990 versions of the National Electrical Safety Code (ANSI C2) and the National Electrical Code (NFPA 70-1990) in accordance with the chapter 364, Florida Statutes. The Commission has general jurisdiction over the safety of facilities used in the provision of telecommunications service under chapter 364, Florida Statutes. The effect of the amendment is to make the provisions of the 1990 Code the applicable safety standards for the design, construction, installation, maintenance, and operation of telecommunications plant and facilities.

SUMMARY: Rule 25-4.036, F.A.C., Design and Construction of Plant, addresses provisions of the publications with which telecommunications utilities are required to comply. The provisions addressed pertain to design, construction, installation, maintenance, and operation of the telecommunications facilities. The proposed revision reformats the manner in which the applicable sections of the publications are identified and deletes the outdated publication dates. These changes do not affect the current operational practices and procedures of the affected

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utilities. Currently, the rule sets out each part, section, and chapter of the two publications which relates to telecommunications facilities. The revision simplifies the wording by identifying these components as "pertaining to the construction of telecommunications facilities," rather than listing each one. In addition, the proposed revision would correctly reference the current editions of the publications.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.03, F.S.

SUMMARY OF THE ESTIMATED ECONOMIC IMPACT OF THIS RULE: The Commission will incur no significant new costs or paperwork with the adoption of the 1990 edition of the National Electrical Safety Code and the National Electrical Code, pertaining to the construction of telecommunications facilities. The adoption of the new publications will likewise have no significant impact on the local exchange companies to which the Commission's safety jurisdiction applies. There will be no impact on small businesses as the local exchange companies are the affected parties and none of them are small businesses as defined in the Florida Small and Minority Business Assistance Act of 1985. The proposed rule will further have no impact on competition within the Florida telecommunications industry. All practices and procedures are currently in operation and the only change is to implement current edition dates for referenced publications. Employment should not

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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 discussions with Legal and Communications Divisions staff, and review of the existing rules for other industries and the referenced publications.

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., THURSDAY, FEBRUARY 21, 1991,  
PLACE: ROOM 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: William E. Wyrough, Division of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULE IS:

25-4.036 Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the 1990 ~~1984~~ Edition of the National Electrical Safety Code (ANSI C2-1990), and the National Electrical Code (NFPA 70-1990), pertaining to the construction of telecommunications facilities. ~~as specified below:~~

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~~(a) Section 9~~

~~(b) Part 2, Sections 20, 21, 22, 23, 24, 25, 26 and 28~~

~~(c) Part 3, Sections 30, 31, 32, 34, 35, 36, 38 and 39.~~

~~(2) Also applicable are the following provisions of the National Electrical Code 1984 as specified below:~~

~~(a) Chapter 2, Article 250H~~

~~(b) Chapter 8, Article 800~~

(2) ~~(3)~~ Compliance with these codes and accepted good practice is necessary to insure<sub>7</sub> as far as reasonably possible<sub>7</sub> continuity of service, uniformity in the quality of service furnished and the safety of persons and property.

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

Law Implemented: 364.03, F.S.

History: Revised 12/1/68, Amended 4/19/77, Amended 2/5/86, Formerly 25-4.036, F.S.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Taylor, Division of Communications.

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

DATE PROPOSED RULE APPROVED: December 18, 1990

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

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forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.