

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-4.035,)
 F.A.C., pertaining to design and)
 construction of plant.)

DOCKET NO. 900771-TP
 ORDER NO. 24228
 ISSUED: 3-12-91

NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendment to Rule 25-4.036, F.A.C., relating to design and construction of plant without change.

The rule amendment was filed with the Secretary of State on March 6, 1991, and will be effective on March 26, 1991. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this
12th day of MARCH, 1991.

 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

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by:

Kay Flynn
 Chief, Bureau of Records

DOCUMENT NUMBER-DATE

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

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), 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 paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

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

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing;

(e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the

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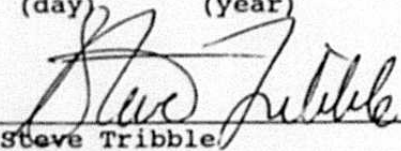
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undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Specific Rulemaking Authority</u>	<u>Law Being Implemented Interpreted or Made Specific</u>
25-4.036	350.127(2), F.S.	364.03, F.S.

Under the provision of paragraph 120.54(12)(a), 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)



Steve Tribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

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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:~~

~~(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, as far as reasonably possible, 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.

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CODING: Words underlined are additions; words in struck-through type are deletions from existing law.

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Rule 25-4.036
 Docket No. 900771-TP

SUMMARY OF RULE

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 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.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The Florida Public Service Commission has general jurisdiction over the safety of facilities used in the provision of telecommunications service under Chapter 364, Florida Statutes. Rule 25-4.036, F.A.C., specifies that the design, construction,

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installation, maintenance, and operation of telecommunications plant and facilities shall be in accord with the 1984 Edition of National Electrical Safety Code. A new edition of that code was published in 1990. The purpose of this rule revision is to adopt the 1990 edition of the National Electrical Safety Code and also to adopt the 1990 edition of the National Electrical Code (NFPA 70-1990).

Specifically, the amendment strikes reference to the 1984 code and its specific sections. References of the 1990 editions of the two codes are added along with language that specifies that the applicable sections of the codes are those that pertain to the construction of telecommunications facilities.

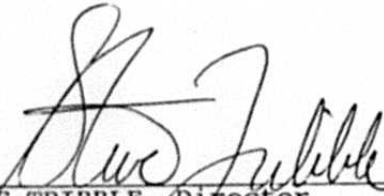
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CERTIFICATION OF
INCORPORATION BY REFERENCE

1990 EDITION OF THE NATIONAL ELECTRICAL SAFETY CODE
AND THE
1990 NATIONAL ELECTRICAL CODE

I HEREBY CERTIFY:

That the attached national Electrical Safety Code (ANSI C2-1990) and National Electrical Code are true and complete copies of the editions which are incorporated by reference in Rule 25-4.036.



STEVE TRIBBLE, Director
Records and Reporting

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