

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of rulemaking to adopt Rule 25-6.0346, and to amend Rules 25-6.019, 25-6.0345, 25-6.060, 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C.

DOCKET NO. 110313-PU
ORDER NO. PSC-12-0376-NOR-PU
ISSUED: July 20, 2012

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, Florida Administrative Code, relating to gas meters and safety of gas transportation by pipeline.

The attached Notice of Rulemaking will appear in the July 27, 2012, edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at a time and place to be announced in a future notice. Written requests for hearing and written comments on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than August 17, 2012.

RECORD

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04866 JUL 20 12

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By ORDER of the Florida Public Service Commission this 20th day of July, 2012.



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-7.059: Use of Meters

25-7.060: Location of Meters and Associated Appurtenances

25-7.061: Meter Testing Equipment

25-7.062: Meter Test Records

25-7.064: Periodic Meter Tests

25-7.065: Meter Test by Request

25-7.066: Meter Test - Referee

25-7.070: Sealing Meters

25-7.071: Measuring Customer Service

25-7.084: Meter Readings

PURPOSE AND EFFECT: To update and clarify the rules and to remove obsolete and unnecessary language.

Docket No. 110313-PU

SUMMARY: Rule 25-7.059 is amended to accurately describe the "pressure control" function; Rule 25-7.060 is amended to delete obsolete meter locating requirements; Rule 25-7.061 is amended to delete obsolete meter-testing technology language; Rule 25-7.062 is amended to remove obsolete language and to clarify language; Rule 25-7.064 is amended for accuracy and clarification; Rule 25-7.065 is amended to add allowable methods of test request and to add clarifying language; Rule 25-7.066 is amended to add clarifying language; Rule 25-7.070 is amended to update terminology; Rule 25-7.071 is amended to delete unnecessary language; Rule 25-7.084 is amended to remove obsolete language and to add clarifying language

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

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: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1), FS

LAW IMPLEMENTED: 366.03, 366.05(1), (3), (4), (5), 366.08, FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W.

Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216, kcowdery@psc.state.fl.us

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THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.059 Use of Meters.

(1) No change.

(2) Unless otherwise authorized by the Commission, each utility shall provide and install at its own expense and shall continue to own, operate, and maintain all equipment necessary for the pressure control regulation and measurement of gas to its customers.

(3)-(4) No change

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, Formerly 25-7.59, Amended _____.

25-7.060 Location of Meters and Associated Appurtenances.

(1) The customer shall furnish a convenient, accessible and safe place in which the meter can be installed, operated and maintained. This location insofar as practical shall be outside the building and free of possible excessive temperature variations or causes of damage which might affect meter operation or accuracy.

(2) No change

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, Formerly 25-7.60, Amended x-x-xx.

25-7.061 Meter Testing Equipment.

(1) Each utility shall own and maintain or have access to all necessary meter testing equipment, including at least one bell type meter prover of not less than five (5) cubic feet capacity or other meter testing device approved by the Commission's Bureau of Division of Auditing and Safety. This equipment shall be maintained in correct adjustment so that it shall be capable of determining the accuracy of customer meters to within one-half of one percent (0.5%).

(2) The accuracy of all meter testing equipment will be established in accordance with procedures set forth in American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition, incorporated by reference herein, and which may be obtained from the American Gas Association, 400 North Capitol Street, NW, Washington, DC 20001.

(3) All alterations, accidents, or repairs to meter proving equipment which might affect the accuracy of such equipment or the method of operation shall be promptly reported in writing to the Commission's Bureau of Division of Auditing and Safety of the Commission.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) and (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 5-27-76, 2-13-84, Formerly 25-7.61, Amended x-x-xx.

25-7.062 Meter Testing Methods Test Records.

(1) All meter tests shall be performed by competent, trained personnel using approved methods and equipment.

(2)(4) Diaphragm meters with a test dial of five (5) cubic feet or less. The accuracy of customer meters of this type shall be determined by passing air from an accurate a standard bell type meter prover or a calibrated test meter at a rate of flow designated herein when the liquid in the prover tank, the test equipment, the atmosphere of the room and the meter to be tested are at practically the same temperature. The meter shall be tested at two rates of flow, viz: a check rate test which shall be at a rate of flow of approximately twenty percent (20%) of rated capacity, and also a one hundred percent (100%) of rated capacity or open run test. The average of the tests at the two rates of flow shall agree within one percent (1%) and the average error of the meter shall be considered to be the algebraic sum of twenty-five percent (25%) of the error indicated by open run test and seventy-five percent (75%) of the error indicated by the check rate test.

(3)(2) Other meters. Any utility furnishing large volume gas service through diaphragm type meters with a test dial of over five (5) cubic feet or other type meters such as turbine, rotary displacement, or orifice meters shall make provision for factory or other tests in accordance with manufacturer's recommendations and American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) and (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, 8-4-85, Formerly 25-7.62, Amended x-x-xx.

25-7.064 Periodic Meter Testing for Accuracy Tests.

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(1)(a) Each gas utility may formulate a statistical sampling plan for the purpose of ~~periodically~~ testing ~~for accuracy~~ installed diaphragm type positive displacement gas service meters having a capacity rating of 250 cfh or less measured at the manufacturer's specification for one-half (1/2) inch pressure differential. Such sampling plan shall be subject to approval by the Commission's Bureau Division of Auditing and Safety prior to implementation.

(b) All meters installed of the above type and size not included in an approved Random Sampling Plan shall be periodically removed, inspected and tested for accuracy at least once every one hundred twenty (120) months.

(2) Meters having a capacity rating of 250 cfh through 2500 cfh measured at the manufacturer's specifications for one half (1/2) inch pressure differential shall be field tested or shop tested for accuracy in accordance with American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition at least once every one hundred twenty (120) months.

(3) Meters above 2500 cfh capacity rating measured at the manufacturer's specifications for one half (1/2) inch differential shall be field tested or shop tested for accuracy in accordance with manufacturer's recommendations and American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition, at least every sixty (60) months.

(4) An instrument or auxiliary device used in conjunction with any gas meter to correct the metered volume for pressure or temperature shall be adjusted to an accuracy level to assure that the combined accuracy of the instrument or auxiliary device, or both, and the associated meter does not exceed one percent (1%) error fast or ~~one two percent (1%) (2%)~~ error slow. Each instrument and auxiliary device shall be checked at least the same test interval as prescribed for the associated meter to insure and verify the performance.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) and (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 5-27-76, 2-13-84, Formerly 25-7.64, Amended x-x-xx.
25-7.065 Meter Test by Request.

(1) Upon written request of a customer, the utility shall, without charge, make a test of the accuracy of the meter in use at his premises; provided, first, that the meter has not been tested by the utility or by the Commission within twelve months previous to such request.

(2) Should any customer request a meter test more frequently than provided for in subsection (1) of this rule, the utility may require a deposit to defray the cost of testing, such deposit shall not exceed the following for each test:

(a)-(b) No change

(c) Meters with a capacity rating over 2500 cfh – \$129.00 dollars. If the meter is found to be more than two percent (2%) fast, the deposit shall be refunded, but if found to be less than or equal to two percent (2%) fast below this accuracy limit, the deposit may be retained by the utility as a service charge for conducting the test.

(3) No change

(4) At the request of the customer, the utility shall make arrangements for a meter test to be conducted by an independent meter testing facility of the customer's choosing. The customer shall be responsible for negotiating and paying to the independent meter testing facility any fee charged for such a test. Such independent meter testing facilities shall, at a minimum, conform to the requirements of the American Gas Association Gas Measurement Manual, Meter Proving Part No. Twelve, 1978 edition. Where appropriate, the meter may be field tested. The customer shall be responsible for all the costs to the utility associated with a meter test by an independent meter testing facility. The utility shall provide a detailed estimate of such costs and may require payment of such costs prior to the actual meter test. If the meter is found to be running fast in excess of the limits established by these rules, such costs shall be refunded, but if within the allowable limits, the utility may retain the costs.

(5) No change.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), (3), and (4) FS. History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 10-11-83, 2-13-84, Formerly 25-7.65, Amended

25-7.066 Meter Test – Refereed Disputes Referee.

(1) In the event of a dispute, upon request ~~written application~~ to the Commission by any customer, a test of the customer's meter will be made by the utility as soon as practicable. Said test will be supervised and witnessed or supervised as soon as practicable by a representative of the Commission.

(2)-(3) No change

(4) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained by the utility.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(3) and (5), 366.08 FS. History—Amended 10-20-73, Repromulgated 1-8-75, 5-4-75, Formerly 25-7.66, Amended _____.

25-7.070 Sealing Meters.

All meters tested for installation shall be sealed at the time of the test by the meter personnel meterman performing the test. The seal shall be of a type that will ensure detection of tampering. Those utilities using a compression type lead seal shall have as a sealing tool a device furnished with a die, which shall bear the initials of the utility. Utilities using a snap tin type seal shall have the seal stamped in a similar manner.

Rulemaking Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(3) FS. History—New 2-13-84, Formerly 25-7.70, Amended _____.

25-7.071 Measuring Customer Service.

(1) All gas sold to customers shall be measured by commercially acceptable measuring devices owned and maintained by the utility, except where it is impractical to meter ~~loans~~, such as street lighting, temporary or special installations, in which case the consumption may be calculated, or billed on a rate or as provided in the utility's filed tariff.

(2)-(3) No change

Rulemaking Specific Authority 350.127(2), 366.05 FS. Law Implemented 366.03, 366.05(1) FS. History—New 10-23-86, Amended _____.

25-7.084 Meter Readings.

(1) No change

(2) When an electronic meter reading is used to determine volumes consumed, the customer's bill may be rendered from data received electronically, ~~however, the mechanical counter of the metering device shall be read monthly~~. When available, both corrected and uncorrected total volumetric readings shall be recorded.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History—Repromulgated 1-8-75, Amended 5-4-75, Formerly 25-7.84, Amended 10-10-95, _____ xx-xx-xx.

Posting of the American Gas Association Gas Measurement Manual, Meter Proving, Part No. Twelve, 1978 edition, on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These materials are available for public inspection and review at the Florida Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, and the Florida Public Service Commission, 2504 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 37, Number 45, November 10, 2011.

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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-12.005: Codes and Standards Adopted

25-12.008: New, Reconstructed or Converted Facilities

25-12.027: Welder Qualification

25-12.052: Criteria for Cathodic Protection of Buried or Submerged Steel, Cast Iron, and Ductile Iron Pipeline

25-12.082: Construction Notice

PURPOSE AND EFFECT: To clarify the rules, to update them to reflect the most current applicable Code of Federal Regulations, and to remove obsolete and unnecessary language.

Docket No. 110313-PU

SUMMARY: Rule 25-12.005 is amended to adopt the most current applicable Code of Federal Regulation sections for natural gas pipelines; Rule 25-12.008 is amended to delete obsolete requirements and reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.027 is amended to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.052 is amended to remove obsolete language and to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.082 is amended to specify the time frame within which major pipeline construction or alteration notification must be given to the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

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: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 368.05(2), 350.127(2) FS

LAW IMPLEMENTED: 368.03, 368.05(2) FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-12.005 Codes and Standards Adopted.

The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas prescribed by the Pipeline and Hazardous Materials Safety Administration in 49

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04811 JUL 18 2018

FPSC-COMMISSION CLERK

C.F.R. 191 and 192 (2011) (2008) as amended in 74 Fed. Reg. 2889-01 (January 16, 2009), are adopted and incorporated by reference as part of these rules. 49 C.F.R. 191 (2011) may be accessed at [electronic hyperlink]. 49 C.F.R. 192 (2011) may be accessed at [electronic hyperlink]. 49 C.F.R. 199 (2011) (2008), "Drug and Alcohol Testing," as amended in 74 Fed. Reg. 2889-01 (January 16, 2009), is adopted and incorporated by reference to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for on-site construction of natural gas transporting pipeline facilities. 49 C.F.R. 199 (2011) may be accessed at [electronic hyperlink]. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

Rulemaking Specific Authority 368.05(2), 350.127(2) FS. Law Implemented 368.03 FS. History—New 11-14-70, Amended 9-24-71, Revised 9-21-74, Amended 10-7-75, 11-30-82, 10-2-84, Formerly 25-12.05, Amended 8-8-89, 1-7-92, 5-13-99, 4-26-01, 12-15-09.

25-12.008 New, Reconstructed or Converted Facilities.

- (1) No change
- (2) Before a piping system can be converted to a regulated gas, the operator must:
 - (a) Have on file with the Commission a general conversion procedure as a part of its operation and maintenance plan.
 - (b)-(d) No change
 - (e) Establish the maximum allowable operating pressure no greater than the highest sustained operating pressure during the 5 years prior to conversion unless it was tested or updated after July 1, 1970 in accordance with the Subparts J or K of 49 C.F.R. 192 (2011) (2008).

- (f) No change
 - (g) Determine areas of active corrosion as required by 49 C.F.R. 192 (2011) (2008) and these rules. Required cathodic protection must be accomplished within 1 year after the date of conversion except that buried steel tubing must be protected prior to placing the system into operation.

Rulemaking Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History—New 11-14-70, Revised 9-21-74, Amended 10-7-75, 10-2-84, Formerly 25-12.08, Amended 12-15-09.

25-12.027 Welder Qualification.

- (1) No welder shall make any pipeline weld unless the welder has qualified in accordance with Section 3 of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, 20th edition, October 2005 including Errata/Addendum July 2007 and Errata 2 (2008), incorporated by reference herein, or Appendix C of 49 C.F.R. 192 (2011) (2008), within the preceding 15 months, but at least once each calendar year. A copy of API 1104 may be obtained from <http://www.api.org/Standards/>.

- (2) No change

Rulemaking Authority 350.127(2), 368.05(2) FS. Law Implemented 368.03, 368.05 FS. History—New 1-7-92, Amended 12-15-09, x-x-xx.

25-12.052 Corrosion Control Criteria for Cathodic Protection of Buried or Submerged Metallic Steel, Cast Iron, and Ductile Iron Pipeline.

- (1) The only acceptable criteria for the determination of cathodic protection shall be I-A(1), I-A(2), I-A(3), and I-A(5) of Appendix D of 49 C.F.R. 192 (2011), Part 192 of Title 49, CFR.

- (2) No change
 - (3) Application of Criterion I-A(2) shall be dependent upon the establishment of initial or unprotected pipe/soil potentials.
 - (4) Application of Criterion I-A(5) is restricted to bare and essentially bare ineffectively coated metallic gas pipelines installed prior to July 31, 1971.

- (a)-(b) No change
 - (c) The procedure qualification shall include a surface potential survey conducted longitudinally directly above the pipeline with maximum spacing of ten (10) feet utilizing two saturated copper-copper sulfate half cells.

- (d) All procedure qualification records shall be retained as long as the qualified procedure is used.

- (e) If application of the qualified procedure fails to provide the required protective net current flow from the surrounding electrolyte into the pipeline surface for a segment of the pipeline, the procedure shall be modified accordingly and requalified for use in similar conditions.

~~(e)~~ (4) The placement of the electrodes for resurvey monitoring of the application of I-A(5) shall utilize the same electrode locations as the initial survey when practical.

~~(f)~~ (5) Each pipeline that is under cathodic protection utilizing Criterion I-A(5) shall be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of these rules.

(4) ~~(5)~~ If gas leakage results from active corrosion of a pipeline, remedial action shall include application of cathodic protection to meet one of the criteria of this rule, as described in subsection (1), unless the pipeline is replaced with non-metallic pipe. Cathodic protection for these remedial applications must be tested at least once every calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of this rule.

~~(5)~~ (6) Each operator must take remedial action within three (3) months to correct or make substantial progress toward correction of any deficiencies indicated by monitoring.

Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History--New 10-7-75, Amended 10-2-84, Formerly 25-12.52, Amended 1-7-92, _____.

25-12.082 Construction Notice.

Written Notice shall be given to the Commission at least 15 days prior to start of all major construction or alteration of pipeline facilities, stating the size, approximate location and contemplated time of construction. Notice is required when the pipeline involved is both at least 2 inches in diameter as well as 2,000 feet or more in length.

Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History--New 11-14-70, Amended 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.82, Amended _____.

Posting of Section 3 of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, 20th edition, October 2005, including Errata/Addendum July 2007 and Errata 2 (2008), on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These materials are available for public inspection and examination at the Florida Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, and the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

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