

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed adoption of Rules 25-6.0346,
25-12.005, 25-12.008, 25-12.022, 25-12.027,
25-12.040, and 25-12.085, F.A.C.

DOCKET NO. 160121-GU
ORDER NO. PSC-16-0553-NOR-GU
ISSUED: December 12, 2016

The following Commissioners participated in the disposition of this matter:

JULIE I. BROWN, Chairman
LISA POLAK EDGAR
ART GRAHAM
RONALD A. BRISÉ
JIMMY PATRONIS

NOTICE OF RULEMAKING

BY THE COMMISSION:

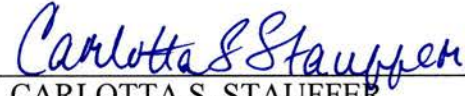
NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has proposed the amendment of Rules 25-6.0346, 25-12.005, 25-12.008, 25-12.022, 25-12.027, 25-12.040 and 25-12.085, Florida Administrative Code, to update the electric and gas utility safety rules consistent with the federal standards.

The attached Notices of Proposed Rules appeared in the December 12, 2016, edition of the Florida Administrative Register.

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 December 27, 2016.

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By ORDER of the Florida Public Service Commission this 12th day of December, 2016.



CARLOTTA S. STAUFFER

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

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

AEH

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-6.0346 Quarterly Reports of Work Orders and Safety Compliance

PURPOSE AND EFFECT: The rule amendments update and clarify the rule regarding electric utilities' work order lists.

Docket No. 160121-GU

SUMMARY: The rule requires electric utilities to provide the Commission with work order lists containing certain information on construction and safety compliance.

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 SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business.

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: 366.04(2)(f), 366.05(1), FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adria Harper, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, aharper@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0346 Quarterly Reports of Work Orders and Safety Compliance.

(1) Each investor-owned electric utility, rural electric cooperative and municipal electric utility shall provide a work order list report all completed electric work orders, relating to the construction and/or maintenance of transmission and distribution facilities, ~~whether that is completed by the utility or one of its contractors, at the end of each quarter of the year.~~ The report work order list shall contain the utility name, contact name, quarter and year, work order number, location of construction, county of construction, estimated costs, and brief description of the work (overhead and underground), and shall be sent via e-mail to electronically filed with the Electric-QTR-Reports@psc.state.fl.us Commission Clerk no later than the 30th working day after the last day of the reporting quarter, ~~using Form PSC/ENG 157 (12/12), "PSC Quarterly Report of Completed Work Orders," which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02040>, is an example work order list that may be completed and filed to meet the reporting requirement for this rule.~~ This form is incorporated into this rule by reference and may also be obtained from the Commission's Division of Administrative and Information Technology Services.

(2) No change.

Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f), (6), 366.05(1) FS. History—New 12-16-12, Amended _____.

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: December 6, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 42, Number 77, April 20, 2016.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:

25-12.005 Codes and Standards Adopted
25-12.008 New, Reconstructed or Converted Facilities
25-12.022 Requirements for Distribution System Valves
25-12.027 Welder Qualification
25-12.040 Leak Surveys, Procedures and Classification
25-12.085 Written Annual Reports Required

PURPOSE AND EFFECT: The rule amendments update and clarify electric and gas safety and reporting rules
Docket No. 160121-GU

SUMMARY: Rule 25-6.0436, F.A.C., was updated to clarify the types of information to be included quarterly work order lists and to require the information be sent directly to Commission staff via e-mail.

Rule 25-12.005, F.A.C. was amended to adopt the latest version of the federal standards that pertain to reporting requirements, safety standards, and drug and alcohol employee reporting standards and requirements for certain employees of gas pipeline operators and emergency response persons. Rule 25-12.008, F.A.C., was amended to adopt the latest federal standards and to clarify the visual inspection, testing and active corrosion procedures.

Rule 25-12.022, F.A.C., was amended to clarify the valves used to close off system sections in an emergency and provide clarification on the procedure for valve identification.

Rule 25-12.027, F.A.C., was amended to correct a scrivener's error in the current rule, to clarify the appropriate American Petroleum Institute standards for welder qualification, and to adopt the latest version of the federal standards.

Rule 25-12.040, F.A.C., was amended to provide clarification on leak detection surveys, inspections and monitoring.

Rule 25-12.085, F.A.C., was amended to incorporate the most recent versions of the appropriate federal forms and to delete a redundant section of the rule.

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 SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business.

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), 368.03, 366.05(1), 368.05(2), FS.

LAW IMPLEMENTED: 366.04(2)(f), 366.05(1), 368.03, 368.05, 368.05(2), FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adria Harper, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, aharper@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 C.F.R. 191 and 192 (2016) (2014), are adopted and incorporated by reference as part of these rules. 49 C.F.R. 191 (2016) (2014) may be accessed at [Dept. of State hyperlink] <http://www.flrules.org/Gateway/reference.asp?No=Ref-01534>. 49 C.F.R. 192 (2016) (2014) may be accessed at [Dept. of State hyperlink] <http://www.flrules.org/Gateway/reference.asp?No=Ref-01535>. 49 C.F.R. 199 (2016) (2014), "Drug and Alcohol Testing," 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 (2016) (2014) may be accessed at [Dept. of State hyperlink] <http://www.flrules.org/Gateway/reference.asp?No=Ref-01537>. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

Rulemaking Authority 368.03, 368.05(2), 350.127(2) FS. Law Implemented 368.03, 368.05 FS. History—New 11-14-70, Amended 9-24-71, 9-21-74, 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, 10-11-12, _____.

25-12.008 New, Reconstructed or Converted Facilities.

(1) No change.

(2) No change.

(c) Have ~~sufficient~~ inspections performed of the pipeline to assure that it was constructed in accordance with standards applicable at the time of installation. Visual inspection of the underground facilities ~~may~~ will not be required if ~~adequate~~ construction and testing records have been maintained.

(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 (2016) (2014) as adopted in Rule 25-12.005, F.A.C.

(f) No change.

(g) Determine areas of active corrosion as required by Subpart I of 49 C.F.R. 192 (2016) (2014) 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), 368.03, 368.05(2) FS. Law Implemented 368.03, 368.05(2) FS. History—New 11-14-70, Amended 9-21-74, 10-7-75, 10-2-84, Formerly 25-12.08, Amended 12-15-09, 10-11-12, _____.

25-12.022 Requirements for Distribution System Valves.

(1) No change.

(2) No change.

(a) No change.

(b) Size of area and population density between valves required to isolate the area and ~~as well as~~ the accessibility of the required valves.

(c) through (d) No change.

(e) The number and type of customers, such as hospitals, schools, commercial, and industrial loads, ~~etc.~~, that will be affected.

(3) Identification – Emergency or sectionalizing and other critical valves shall be designated on appropriate records, drawings or maps used by the operator and shall be referenced to "permanent" aboveground structures or other field ties so the valves can be readily located. The centerline of the road or highway, property line, or right-of-way may be used as one of the referenced structures. The valve installation and all records showing these valves

must be marked for prompt identification using any logical designating system. The valve marking must be accomplished using a durable tag or other equivalent means located as follows:

(a) No change.

(b) For buried valves or valves operated by a key wrench, the marking shall be legible and may be on any type of permanent material placed ~~appear~~ in a visible location ~~on the~~ inside of the curb box or standpipe where the cover will not abrade the marking. Marking the cover only is not acceptable.

(4) No change.

(a) through (c) No change.

(5) All the sectionalizing or emergency valves which may be necessary for the safe operation of the system must be inspected and maintenance performed to assure location, access and operating ability at intervals not exceeding 15 months but at least each calendar year.

Rulemaking Authority 368.05(2) FS. Law Implemented 368.05(2) FS. History—New 9-21-74, Amended 10-7-75, 10-2-84, Formerly 25-12.22, 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 63, or section 12 for automatic welding, of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, 21st 20th edition, September 2013 ~~October 2005 including Errata/Addendum July 2007 and Errata 2 (2008)~~, incorporated by reference herein, or Appendix C of 49 C.F.R. 192 (2016) (2014) as adopted in Rule 25-12.005, F.A.C., 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 welder shall weld with a particular welding process unless the welder has engaged in welding with that process within the preceding six calendar months. A welder who has not engaged in welding with that process within the preceding six calendar months must requalify for that process as set forth in subsection (1) of this rule herein.

Rulemaking Authority 350.127(2), 368.03, 368.05(2) FS. Law Implemented 368.03, 368.05 FS. History—New 1-7-92, Amended 12-15-09, 10-11-12, _____.

25-12.040 Leak Surveys, Procedures and Classification.

(1) Each operator shall perform periodic leakage surveys in accordance with the following schedule ~~as a minimum:~~

(a) No change.

1. through 2. No change.

(b) A gas detector instrument survey to locate leaks throughout areas not included in subsection (a) above shall be conducted at intervals not exceeding ~~three (3)~~ calendar years at intervals not exceeding 39 months on bare metallic, galvanized steel, coated tubing pipelines, and ~~five (5)~~ calendar years at intervals not exceeding 63 months on the remaining pipeline system, or more frequently if experience indicates.

(2) No change.

(a) “Grade 1 Leak” – a leak of gas that represents an existing or probable hazard to persons or buildings. In order Prompt action to protect life and property, these leaks shall be repaired immediately and continuous action shall be taken until conditions are no longer hazardous is required.

(b) No change

1. through 4. No change

(c) No change.

(3) ~~The adequacy of~~ All the repairs of leaks shall be checked by appropriate methods immediately after the repairs are completed. Where there is residual gas in the ground, a follow-up inspection using a gas detector instrument must be made as soon as the gas has had an opportunity to dissipate, but no later than one month for Grade 1 leaks and 6 months for Grade 2 leaks. The date and status of recheck shall be recorded on the leak repair records.

(4) If residual gas is detected on the follow-up inspection, continued monthly monitoring, not to exceed 45 days, and inspections shall be done until gas is no longer detected.

Rulemaking Authority 368.05(2) FS. Law Implemented 368.05(2) FS. History--New 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.40, Amended 1-7-92, 12-15-09,_____.

25-12.085 Written Annual Reports Required.

(1) Each operator of a distribution system shall submit an annual report on Pipeline and Hazardous Materials Safety Administration Form PHMSA F 7100.1-1 (2015) (42-05), entitled "Annual Report for Calendar Year 20____ Gas Distribution System," which is incorporated by reference into this rule and is available at [Department of State hyperlink] for each distribution system. In the case of an operator who has more than one distribution system, a combined annual report must be submitted which includes all facilities operated within the State of Florida subject to the Commission's jurisdiction.

~~(2) Each operator of a distribution system shall, for facilities that operate at 20 percent or more of the specified minimum yield strength, or that are used to convey gas into or out of storage, submit an annual reports for those facilities on Pipeline and Hazardous Materials Safety Administration Form PHMSA F 7100.2-1 (12-05), entitled "Annual Report for Calendar Year 20____ Gas Transmission & Gathering Systems."~~

~~(2)(3) Each operator of a transmission system shall submit an annual report on Pipeline and Hazardous Materials Safety Administration Form PHMSA F 7100.2-1 (2014) (42-05), entitled "Annual Report for Calendar Year 20____ Natural and Other Gas Transmission and Gathering Pipeline Systems," which is incorporated by reference into this rule and is available at [Department of State hyperlink].~~

All the above reports must be submitted for the preceding calendar year so as to be received by the Commission no later than March 15th of each year.

Rulemaking Authority 350.127(2), 368.05(2) FS. Law Implemented 368.03, 368.05(2) FS. History--New 11-14-70, Amended 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.85, Amended 12-15-09,_____.

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: December 6, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 42, Number 77, April 20, 2016.