

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-12.005,  
F.A.C., Codes and Standards Adopted.

DOCKET NO. 20220182-GU  
ORDER NO. PSC-2023-0056-NOR-GU  
ISSUED: January 18, 2023

The following Commissioners participated in the disposition of this matter:

ANDREW GILES FAY, Chairman  
ART GRAHAM  
GARY F. CLARK  
MIKE LA ROSA  
GABRIELLA PASSIDOMO

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 Rule 25-12.005, F.A.C., relating to safety standards and reporting requirements for pipeline facilities and transportation of natural gas.

The attached Notice of Proposed Rule appeared in the January 18, 2023, edition of the Florida Administrative Register.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Requests for hearing on the proposed rule, information regarding the statement of estimated regulatory costs, and proposals for a lower cost regulatory alternative must be provided in writing and received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than February 8, 2023.

ORDER NO. PSC-2023-0056-NOR-GU  
DOCKET NO. 20220182-GU  
PAGE 2

By ORDER of the Florida Public Service Commission this 18th day of January, 2023.



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ADAM J. TEITZMAN  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://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.

JHR

Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO.:       RULE TITLE:

25-12.005       Codes and Standards Adopted

PURPOSE AND EFFECT: To incorporate by reference the 2021 edition of 49 C.F.R. Parts 191, 192, and 199.

Docket No. 20220182-GU

SUMMARY: This rule incorporates and implements the minimum federal safety standards and reporting requirements for pipeline facilities and transportation of natural gas.

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), F.S., 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: 368.03, 368.05(2), 350.127(2), F.S.

LAW IMPLEMENTED: 368.03, 368.05, F.S.

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: Jon Rubottom, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6191, jrubotto@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

**25-12.005 Codes and Standards Adopted.**

The reporting requirements for operators of natural gas pipeline facilities and transportation of gas prescribed by the Pipeline and Hazardous Materials Safety Administration in 49 C.F.R. Part 191 (October 1, 2021 2018), are is adopted and incorporated by reference as part of these rules and may be accessed at [new hyperlink] http://www.flrules.org/Gateway/reference.asp?No=Ref-10790. The mMinimum fFederal sSafety sStandards for natural gas pipeline facilities and the transportation of natural gas prescribed by the Pipeline and Hazardous Materials Safety Administration in 49 C.F.R. Part 192 (October 1, 2021) Sections 192.121, 192.123, 192.143, 192.145, 192.149, 192.191, 192.204, 192.281, 192.283, 192.285, 192.3, 192.313, 192.321, 192.329, 192.367, 192.375, 192.376, 192.455, 192.513, 192.59, 192.720, 192.756, of 49 C.F.R. 192, as amended by 83 Federal Register 58716, November 20, 2018, are adopted and incorporated by reference as part of these rules and may be accessed at [new hyperlink] http://www.flrules.org/Gateway/reference.asp?No=Ref-10792. The remaining sections of 49 C.F.R. 192, as of October 1, 2018, are adopted and incorporated by reference as part of these rules and may be accessed at http://www.flrules.org/Gateway/reference.asp?No=Ref-10794. 49 C.F.R. 199 (October 1, 2018), "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 onsite construction of natural gas transporting pipeline facilities. The drug and alcohol testing requirements prescribed by the Pipeline and Hazardous Materials Safety Administration in 49 C.F.R. Part 199 (October 1, 2021 2018) are adopted and incorporated by reference as part of these rules and may be accessed at [new hyperlink] http://www.flrules.org/Gateway/reference.asp?No=Ref-10791. Part 199 also is adopted

ORDER NO. PSC-2023-0056-NOR-GU

DOCKET NO. 20220182-GU

PAGE 4

ATTACHMENT A

~~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, 3-2-17, 7-10-19,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Graves

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2023.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 48, Number 162, August 19, 2022.