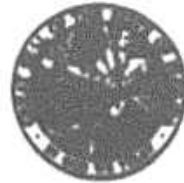


Commissioners
JULIA L JOHNSON, CHAIRMAN
J TERRY DEASON
SUSAN F CLARK
JOE GARCIA
E LEON JACOBS, JR.



DIVISION OF APPEALS
DAVID E SMITH
DIRECTOR
(850) 413-6245

Public Service Commission

February 12, 1999

Mr. Carroll Webb
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399

Re: Docket No. 981097-GU - Proposed Amendment of Rule 25-12.005, F.A.C., Codes and Standards Adopted (Update of Gas Pipeline Safety Codes)

Dear Mr. Webb:

Enclosed are an original and two copies of the following materials concerning the above referenced proposed rule:

- 1. A copy of the rule.
- 2. A copy of the F.A.W. notice.
- 3. A statement of facts and circumstances justifying the proposed rule.
- 4. A federal standards statement.
- 5. No statement of estimated regulatory costs was prepared.

If there are any questions with respect to this rule, please do not hesitate to call on me.

Sincerely,

Richard C. Bellak
Associate General Counsel

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Enclosures

cc: Division of Records & Reporting

DOCUMENT NUMBER-DATE

01894 FEB 12 99

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 United States Department of Transportation in Parts 191 and 192 of Title 49, Code of Federal Regulations (CFR) as amended through October 20, 1998 ~~January 31, 1991~~, are adopted as part of these rules. Part 199, "Drug and Alcohol Testing" as amended through October 20, 1998 ~~December 27, 1989~~ is adopted 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. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

Specific Authority: 368.05(2), 350.127(2), F.S.

Law Implemented: 368.03, F.S.

History: New 11/14/70, Amended 9/24/71, Rev 9/21/74, Amended 10/7/75, 11/30/82, 10/2/84, 8/8/89, formerly 25-12.05, amended 1/7/92,_____.

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

7
NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 981097-GU

RULE TITLE: RULE NO.:

Codes and Standards Adopted 25-12.005

PURPOSE AND EFFECT: Updates reference to existing federal gas safety regulations adopted previously.

SUMMARY: Adopts federal standards as amended through October 20, 1998.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC was found to be necessary.

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

SPECIFIC AUTHORITY 368.05(2), 350.127(2), FS.

LAW IMPLEMENTED 368.03, FS

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 TIME, DATE, AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 A.M., March 25, 1999

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

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:

Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

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 United States Department of Transportation in Parts 191 and 192 of Title 49, Code of Federal Regulations (CFR) as amended through October 20, 1998 ~~January 31, 1991~~, are adopted as part of these rules. Part 199, "Drug and Alcohol Testing" as amended through October 20, 1998 ~~December 27, 1989~~ is adopted 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. Part 199 also is

adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

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, 8-8-89, formerly 25-12.05, Amended 1-7-92,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Mills

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: February 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

October 30, 1998

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

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

Rule 25-12.005
Docket No. 981097-GU

**STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE**

Amendment updates reference in Rule 25-12.005 to federal standards previously adopted as amended through October 20, 1998.

STATEMENT ON FEDERAL STANDARDS

The proposed rule is no more restrictive than federal standards.