

STATE OF FLORIDA

Commissioners:  
E. LEON JACOBS, JR., CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



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

**Public Service Commission**

February 26, 2001

Mr. Carroll Webb  
Joint Administrative Procedures  
Committee  
Room 120 Holland Building  
Tallahassee, FL 32399-1300

**RE: Docket No. 010104-GS - Proposed Amendment to Rule 25-12.005, F.A.C., Codes and Standards Adopted**

Dear Mr. Webb:

Enclosed is an original copy of the following material 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,

*Christiana T. Moore*  
Christiana T. Moore  
Associate General Counsel

ADM12005.CTM

Enclosures

cc: Division of Records & Reporting

DOCUMENT NUMBER-DATE

02592 FEB 26 01

PSC-RECORDS/REPORTING

1           **25-12.005 Codes and Standards Adopted.**

2           The Minimum Federal Safety Standards and reporting  
3 requirements for pipeline facilities and transportation of gas  
4 prescribed by the United States Department of Transportation in  
5 Parts 191 and 192 of Title 49, Code of Federal Regulations (CFR) as  
6 amended through January 1, 2001 ~~October 20, 1998~~, are adopted as  
7 part of these rules. Part 199, "Drug and Alcohol Testing" as  
8 amended through January 1, 2001, ~~October 20, 1998~~ is adopted to  
9 control drug use, by setting standards and requirements to apply to  
10 the testing and use of all emergency response personnel under the  
11 direct authority or control of a gas utility or pipeline operator,  
12 as well as all employees directly or indirectly employed by gas  
13 pipeline operators for the purpose of operation and maintenance and  
14 all employees directly or indirectly employed by intrastate gas  
15 distribution utilities for on-site construction of natural gas  
16 transporting pipeline facilities. Part 199 also is adopted to  
17 prescribe standards for use of employees who do not meet the  
18 requirements of the regulations.

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

20 Law Implemented: 368.03, F.S.

21 History: New 11/14/70, Amended 09/24/71, Revised 09/21/74, Amended  
22 10/07/75, 11/30/82, 10/02/84, 08/08/89, formerly 25-12.05, amended  
23 01/07/92, 05/13/99, \_\_\_\_\_.

24  
25  
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 010104-GS

RULE TITLE:

RULE NO.:

Codes and Standards Adopted

25-12.005

PURPOSE AND EFFECT: The purpose of this rule is to update the Commission's reference to federal gas pipeline safety regulations previously adopted to reflect the most current changes as amended by the United States Department of Transportation.

SUMMARY: This change will adopt the existing federal gas pipeline safety regulations as amended by the United States Department of Transportation, in Parts 191, 192 and 199 of Title 49, Code of Federal Regulations, through January 1, 2001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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: 368.05, 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 SCHEDULED AND ANNOUNCED AT A LATER DATE.

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 January 1, 2001 ~~October 20, 1998~~, are adopted as part of these rules. Part 199, "Drug and Alcohol Testing" as amended through January 1, 2001, ~~October 20, 1998~~ 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 09/24/71, Revised 09/21/74,  
Amended 10/07/75, 11/30/82, 10/02/84, 08/08/89, formerly  
25-12.05, amended 01/07/92, 05/13/99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: C. Edward Mills

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: February 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume  
26, Number 51, December 22, 2000

**STATEMENT OF FACTS AND CIRCUMSTANCES  
JUSTIFYING RULE**

Because of the interstate nature of natural gas systems, the federal government adopts regulations as a uniform safety standard for gas pipelines. The federal government encourages states to adopt these regulations as their own to standardize regulation for all gas pipelines. Updating this rule will make the state's rules for natural gas pipeline safety the same as the federal regulations.

**STATEMENT ON FEDERAL STANDARDS**

The proposed rule is no more restrictive than federal standards.