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Public Service Commission

October 11, 2006

Mr. Scott Boyd, Executive Director
Joint Administrative Procedures
Committee
Room 120 Holland Building
Tallahassee, Florida 32399-1300

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COMMISSION
CLERK

Re: Docket No. 060512-EU – Proposed adoption of new Rule 25-6.0343, F.A.C.,
Standards of Construction – Municipal Electric Utilities and Rural Electric
Cooperatives

Dear Mr. Boyd:

Enclosed is the notice of change, which will be published in the Florida Administrative
Weekly on October 20, 2006, and the statement of changes for the proposed Rule 25-6.0343.

We plan to file the rule for adoption on November 10, 2006.

Sincerely,

Larry D. Harris
Associate General Counsel

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Enclosure
cc: Division of the Commission Clerk
and Administrative Services

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FPSC-COMMISSION CLERK

1 25-6.0343 Municipal Electric Utility and Rural Electric Cooperative Reporting Requirements

2 (1) Application and Scope. The purpose of this rule is to define certain reporting
3 requirements by municipal electric utilities and rural electric cooperatives providing
4 distribution service to end-use customers in Florida.

5 (2) The reports required by subsections (3), (4), and (5) of this rule shall be filed with
6 the Director of the Division of Economic Regulation by March 1 of each year for the
7 preceding calendar year.

8 (3) Standards of Construction. Each municipal electric utility and rural electric
9 cooperative shall report the extent to which its construction standards, policies, practices, and
10 procedures are designed to address the ability of transmission and distribution facilities to
11 mitigate damage caused by extreme weather. Each utility report shall, at a minimum, address
12 the extent to which its construction standards, policies, guidelines, practices, and procedures:

13 (a) Comply, at a minimum, with the National Electrical Safety Code (ANSI C-2)
14 [NESC]. For electrical facilities constructed on or after February 1, 2007, the 2007 NESC
15 shall apply. Electrical facilities constructed prior to February 1, 2007, shall be governed by
16 the edition of the NESC in effect at the time of the facility's initial construction. A copy of
17 the 2007 NESC, ISBN number 0-7381-4893-8, may be obtained from the Institute of Electric
18 and Electronic Engineers, Inc. (IEEE).

19 (b) Are guided by the extreme wind loading standards specified by Figure 250-2(d) of
20 the 2002 edition of the NESC for:

- 21 1. new construction;
22 2. major planned work, including expansion, rebuild, or relocation of existing
23 facilities, assigned on or after the effective date of this rule; and
24 3. targeted critical infrastructure facilities and major thoroughfares taking into account
25 political and geographical boundaries and other applicable operational considerations.

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1 (c) Address the effects of flooding and storm surges on underground distribution
2 facilities and supporting overhead facilities.

3 (d) Provide for placement of new and replacement distribution facilities so as to
4 facilitate safe and efficient access for installation and maintenance.

5 (e) Include written safety, pole reliability, pole loading capacity, and engineering
6 standards and procedures for attachments by others to the utility's electric transmission and
7 distribution poles.

8 (4) Facility Inspections. Each municipal electric utility and rural electric cooperative
9 shall report, at a minimum, the following information pertaining to its transmission and
10 distribution facilities:

11 (a) A description of the utility's policies, guidelines, practices, and procedures for
12 inspecting transmission and distribution lines, poles, and structures including, but not limited
13 to, pole inspection cycles and pole selection process.

14 (b) The number and percentage of transmission and distribution inspections planned
15 and completed.

16 (c) The number and percentage of transmission poles and structures and distribution
17 poles failing inspection and the reason for the failure.

18 (d) The number and percentage of transmission poles and structures and distribution
19 poles, by pole type and class of structure, replaced or for which remediation was taken after
20 inspection, including a description of the remediation taken.

21 (5) Vegetation Management. Each municipal electric utility and rural electric
22 cooperative shall report, at a minimum, the following information pertaining to the utility's
23 vegetation management efforts:

24 (a) A description of the utility's policies, guidelines, practices, and procedures for
25 vegetation management, including programs addressing appropriate planting, landscaping, and

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1 problem tree removal practices for vegetation management outside of road right-of-ways or
2 easements, and an explanation as to why the utility believes its vegetation management
3 practices are sufficient.

4 (b) The quantity, level, and scope of vegetation management planned and completed
5 for transmission and distribution facilities.

6 Specific Authority: 350.127(2), 366.05(1) FS.

7 Law Implemented: 366.04(2)(f), 366.04(6) FS.

8 History New .

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STATEMENT OF CHANGES

This new rule was originally proposed in connection with rules designed for investor-owned electric utilities. The Florida Electric Cooperative Association requested that this rule, requiring standards for rural electric cooperatives and municipally owned electric utilities, be bifurcated into a separate docket. Accordingly, Docket No. 060512 was opened. The Commission prepared the new rule on June 20, 2006. Requests for hearing were timely received, and a rule challenge was filed with the Division of Administrative Hearings.

After extensive negotiations with the electric cooperatives and municipal systems, all parties were able to agree on alternative rule language. The alternative language creates a reporting requirement for electric cooperatives and municipal systems, where each utility will report to the Commission its construction standards, vegetation management, and pole inspection procedures.

The alternative rule language meets the intent and substance of the original rule proposal, and does so with language agreed to by all substantially affected persons. Accordingly, the Commission voted to adopt new Rule 25-6.0343 with changes; the changes being to substitute the alternative negotiated language for that originally proposed. As a result of adopting the alternative language, the Florida Cable Telecommunication Association agreed to withdraw its DOAH challenge to new Rule 25-6.0343.