

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

July 18, 2012

HAND DELIVERED

RECEIVED-FPSC  
12 JUL 18 AM 10:27  
COMMISSION  
CLERK

Ms. Kathryn G. W. Cowdery  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Initiation of Rulemaking to Adopt Rule 25-6.0346, and to Amend Rules 25-6.019, 25-6.0345, 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.008, 25-12.027, 25-12.052 and 25-12.072, F.A.C. Docket No. 110313-PU

## Post Rule Workshop Comments

Dear Ms. Cowdery:

On behalf of Tampa Electric Company we attach a markup of the proposed rule amendments for Rules 25-6.019, 25-6.0345 and 25-6.060 which, with certain changes discussed below, reflect the comments we presented at the rule workshop conducted on June 21, 2012. Progress Energy Florida, Gulf Power Company and Florida Power and Light Company have indicated they agree with our comments in the attached markup.

Two aspects of the markup merit additional comment. First, based on the workshop discussion of Rule 25-6.019, concerning notification of certain events involving electric systems, we have revised our proposed weather related exception to the event reporting requirement. We borrowed language from existing Rule 25-6.0455 (Annual Distribution Service Reliability Report) that allows the omission of outage data where the outages are caused by named storms, tornados and other significant weather events. Since that rule focuses on reporting outages (as opposed to events that cause injury, death or damages), we only used the weather related events from that rule and the one about a weather or fire event causing the county emergency management office to be activated. Those events are incorporated into subsection (3) of Rule 25-6.019 in the attached markup as exceptions to the reporting requirements of the rule.

Additionally, with respect to Rule 25-6.060, regarding meter tests, we have reverted back to the amendment language as proposed by Staff in the June 21 workshop.

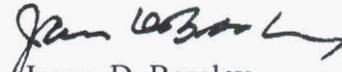
DOCUMENT NUMBER-DATE

04775 JUL 18 12

FPSC-COMMISSION CLERK

We appreciate the opportunity to provide input on these propose rule amendments and hope the Staff sees fit to incorporate our suggestions into the rule amendments you present to the Commission.

Sincerely,

  
James D. Beasley

JDB/pp  
Enclosure

cc: Ann Cole, Director  
Office of Commission Clerk (w/enc.) ✓  
Office of Public Counsel (w/enc.)  
Jordan White (w/enc.)  
John Burnett (w/enc.)  
Steve Griffin (w/enc.)  
Billy Stiles (w/enc.)  
Paula Brown (w/enc.)

FLORIDA PUBLIC SERVICE COMMISSION  
NOTICE OF STAFF RULE DEVELOPMENT WORKSHOP

TO

ALL INTERESTED PERSONS

DOCKET NO. 110313-PU

IN RE: INITIATION OF RULEMAKING TO ADOPT RULE 25-6.0346, AND TO AMEND  
RULES 25-6.019, 25-6.0345, 25-6.060, 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-  
7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052,  
AND 25-12.082, F.A.C.

ISSUED:

NOTICE is hereby given that a staff rule development workshop concerning Rules 25-6.019, 25-6.0345, 25-6.0346, and 25-6.060, Florida Administrative Code, will be held at the following time and place:

June 21, 2012 - 9:30 a.m.  
Room 148, Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, FL 32399-0862.

The attached Notice of Workshop appeared in the May 11, 2012, edition of the Florida Administrative Weekly. A copy of the draft rules and the agenda for the workshop are attached. One or more Commissioners may be in attendance and participate in the workshop. The person to be contacted regarding this rule development is, Kathryn G. W. Cowdery, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850) 413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us).

In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact the Office of Commission Clerk no later than five days prior to the workshop at 2540 Shumard Oak Boulevard., Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service.

NOTICE OF STAFF RULE DEVELOPMENT WORKSHOP  
DOCKET NO. 110313-PU  
PAGE 2

By DIRECTION of the Florida Public Service Commission this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

---

ANN COLE  
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.

KC

FLORIDA PUBLIC SERVICE COMMISSION

AGENDA

STAFF RULE DEVELOPMENT WORKSHOP

IN RE: INITIATION OF RULEMAKING TO ADOPT Rule 25-6.0346, AND TO AMEND  
RULES 25-6.019, 25-6.0345, 25-6.060, 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-  
7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052,  
AND 25-12.082, F.A.C

Docket No. 110313-PU

June 21, 2012

9:30 a.m.

Betty Easley Conference Center, Room 148  
4075 Esplanade Way  
Tallahassee, Florida 32399-0850

1. Order of presentation. Staff will explain the proposed rule amendments and solicit comments and/or questions on Rules 25-6.019, 25-6.0345, 25-6.0346, and 25-6.060, F.A.C.
2. Any Other Matters for Discussion
3. Discussion of Next Steps in this Rulemaking
4. Adjourn

NOTICE OF STAFF RULE DEVELOPMENT WORKSHOP  
DOCKET NO. 110313-PU  
PAGE 4

Notice of Meeting/Workshop Hearing

**PUBLIC SERVICE COMMISSION**

RULE NO.: RULE TITLE:

25-6.019: Notification of Accidents

25-6.0345: Safety Standards for Construction of New Transmission and Distribution Facilities

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

25-6.060: Meter Test - Referee

The Florida Public Service Commission announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, June 21, 2012, at 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: Electric utility requirements concerning notification of accidents, safety standards for construction on new transmission and distribution facilities, quarterly reports of work orders and safety compliance, and meter tests.

A copy of the agenda may be obtained by contacting: the Commission's website, [www.floridapsc.com](http://www.floridapsc.com), on June 6, 2012

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kathryn G. W. Cowdery, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6216.

Docket No. 110313-PU

H:\JDB\TEC\Rules\Docket 110313\PSC Comm Notice June 21 2012 Workshop.doc

1 **25-6.019 Notification of Certain Events Involving Electrical Systems Accidents.**

2 (1) Form PSC/SCR 159 (XX/XX), entitled “Electric Utility Event Report – Injury,” is  
3 incorporated in this rule by reference and may be obtained from the Commission’s Division of  
4 Administrative Services and is also available at [Dept of State hyperlink]. As soon as  
5 practicable, ~~but no later than two by the end of the next~~ business days after it learns of the  
6 occurrence, each investor-owned electric utility, rural electric cooperative, and municipal  
7 electric utility shall notify the Director of the Division of Safety, Reliability and Consumer  
8 Assistance Commission, in writing, using Form PSC/SCR 159 (XX/XX) of any event  
9 involving ~~accident occurring in connection with~~ any part of the electrical system which:

- 10 (a) Involves death or injury requiring hospitalization of non-utility persons, or  
11 (b) Is significant from a safety standpoint in the judgment of the utility even though it  
12 is not required by paragraph (a).

13 (2) Form PSC/SRC 158 (XX/XX) entitled “Electric Utility Event Report – Damages,”  
14 is incorporated into this rule by reference and may be obtained from the Commission’s  
15 Division of Administrative Services and is also available at [Dept of State hyperlink]. Each  
16 investor-owned electric utility, rural electric cooperative, and municipal electric utility shall  
17 report, in writing, to the Director of the Division of Safety, Reliability and Consumer  
18 Assistance using Form PSC/SRC 158 (XX/XX) Commission within 30 days of ~~learning of~~ any  
19 event ~~malfunction of or accident~~ involving any part of the electrical system, ~~fire, or explosion,~~  
20 that:

- 21 (a) Involves damage to the property of others for an amount in excess of \$10,000  
22 \$5000, or,  
23 (b) Causes Cause significant damage, in the judgment of the utility, to the utility’s  
24 facilities.

25 (3) Unless requested by the Commission, reports are not required with respect to  
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from  
existing law.

1 personal injury, death, or property damage resulting from vehicular equipment striking poles  
2 and/or other utility property or events directly caused by:

3 (a) A storm named by the National Hurricane Center;

4 (b) A tornado recorded by the National Weather Service;

5 (c) Ice on line;

6 (d) An extreme weather or fire event causing activation of the county emergency

7 operation center.

8 ~~(4) The purpose of reporting an event in compliance with this rule is to assist the Commission~~  
9 ~~in exercising its jurisdiction to prescribe and enforce safety standards for transmission and~~  
10 ~~distribution facilities of all electric utilities, by making the Commission aware of potential~~  
11 ~~hazards to the public.~~

12 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f) and  
13 (6), 366.05(1) FS. History—New 7-29-69, Amended 4-13-80, Formerly 25-6.19, Amended  
14 \_\_\_\_\_.

15 **25-6.0345 Safety Standards for Construction of New Transmission and Distribution**  
16 **Facilities.**

17 (4) The Commission adopts and incorporates by reference the 2012 ~~2002~~ edition of the  
18 National Electrical Safety Code (ANSI C-2) [NESC], as the applicable safety standards for  
19 transmission and distribution facilities subject to the Commission's safety jurisdiction. ~~For~~  
20 ~~electrical facilities constructed on or after February 1, 2007, the 2007 NESC shall apply.~~

21 ~~Electrical facilities constructed prior to February 1, 2007, shall be governed by the edition of~~  
22 ~~the NESC specified by subsections 013.B.1, 013.B.2, and 013.B.3 of the 2007 NESC. Each~~  
23 investor-owned electric utility, rural electric cooperative, and municipal electric system shall,  
24 at a minimum, comply with the standards in these provisions. A copy of the 2007-NESC;

25 ISBN ~~number 0-7381-4893-8~~, may be obtained from the Institute of Electric and Electronic  
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from  
existing law.

1 Engineers, Inc. (IEEE), 3 Park Avenue, New York, NY, 10016-5997.

2 ~~(2) Each investor-owned electric utility, rural electric cooperative and municipal electric~~  
3 ~~utility shall report all completed electric work orders, whether completed by the utility or one~~  
4 ~~of its contractors, at the end of each quarter of the year. The report shall be filed with the~~  
5 ~~Director of the Commission's Division of Regulatory Compliance and Consumer Assistance~~  
6 ~~no later than the 30th working day after the last day of the reporting quarter, and shall contain,~~  
7 ~~at a minimum, the following information for each work order:~~

8 ~~—— (a) Work order number/project/job;~~

9 ~~—— (b) Brief title outlining the general nature of the work;~~

10 ~~—— (c) Estimated cost in dollars, rounded to nearest thousand and;~~

11 ~~—— (d) Location of project.~~

12 ~~—— (3) The quarterly report shall be filed in standard DBase or compatible format, DOS~~  
13 ~~ASCII text, or hard copy, as follows:~~

14 ~~—— (a) DBase Format~~

15 ~~—— Field Name                      Field Type                      Digits~~

16 ~~—— 1. Work orders                      Character                      20~~

17 ~~—— 2. Brief title                      Character                      30~~

18 ~~—— 3. Cost                      Numeric                      8~~

19 ~~—— 4. Location                      Character                      50~~

20 ~~—— (b) DOS ASCII Text.~~

21 ~~—— 1. Columns shall be the same type and in the same order as listed under Field Names~~  
22 ~~above.~~

23 ~~—— 2. A comma (,) shall be placed between data fields.~~

24 ~~—— 3. Character data fields shall be placed between quotation marks (“.””).~~

25 ~~—— 4. Numeric data fields shall be right justified.~~

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

1 ~~5. Blank spaces shall be used to fill the data fields to the indicated number of digits.~~

2 ~~(c) Hard Copy.~~

3 The following format is preferred, but not required:

4 Completed Electrical Work Orders For PSC Inspection

5 Work	6 Brief	7 Estimated	8 Location
9 Order	10 Title	11 Cost	

8 ~~(4) In its quarterly report, each utility shall identify all transmission and distribution~~  
9 ~~facilities subject to the Commission's safety jurisdiction, and shall certify to the Commission~~  
10 ~~that they meet or exceed the applicable standards. Compliance inspections by the Commission~~  
11 ~~shall be made on a random basis or as appropriate.~~

12 ~~(5) As soon as practicable, but by the end of the next business day after it learns of the~~  
13 ~~occurrence, each investor owned electric utility, rural electric cooperative, and municipal~~  
14 ~~electric utility shall (without admitting liability) report to the Commission any accident~~  
15 ~~occurring in connection with any part of its transmission or distribution facilities which:~~

16 ~~(a) Involves death or injury requiring hospitalization of nonutility persons; or~~

17 ~~(b) Is significant from a safety standpoint in the judgment of the utility even though it~~  
18 ~~is not required by subsection (a).~~

19 ~~(6) Each investor owned electric utility, rural electric cooperative, and municipal~~  
20 ~~electric utility shall (without admitting liability) report each accident or malfunction, occurring~~  
21 ~~in connection with any part of its transmission or distribution facilities, to the Commission~~  
22 ~~within 30 days after it learns of the occurrence, provided the accident or malfunction:~~

23 ~~(a) Involves damage to the property of others in an amount in excess of \$5000; or~~

24 ~~(b) Causes significant damage in the judgment of the utility to the utility's facilities.~~

25 ~~(7) Unless requested by the Commission, reports are not required with respect to~~  
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from  
existing law.

1 personal injury, death, or property damage resulting from vehicles striking poles or other  
2 utility property.

3 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f), (6)  
4 FS. History—New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02, 2-1-07, \_\_\_\_.

5 **25-6.0346 Quarterly Reports of Work Orders and Safety Compliance**

6 (1) Each investor-owned electric utility, rural electric cooperative and municipal  
7 electric utility shall report all completed electric work orders ~~relating to the construction~~  
8 ~~and/or maintenance of new transmission and distribution facilities~~, whether completed by the  
9 utility or one of its contractors, at the end of each quarter of the year. The report shall be  
10 electronically filed with the Director of the Division of Safety, Reliability and Consumer  
11 Assistance no later than the 30th working day after the last day of the reporting quarter using  
12 Form PSC/SRC 157 (xx/12), “PSC Quarterly Report of Completed Work Orders,” which is  
13 available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>. This form is  
14 incorporated into this rule by reference and may also be obtained from the Commission’s  
15 Division of Administrative Services.

16 (2) In its quarterly report, each utility shall ~~identify all transmission and distribution~~  
17 ~~facilities subject to the Commission’s safety jurisdiction, and shall~~ certify to the Commission  
18 that ~~all work described in the completed work orders listed in the quarterly report they~~ meets  
19 or exceeds the applicable standards. Compliance inspections by the Commission shall be made  
20 on a random basis or as appropriate.

21 Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f) and (6),  
22 366.05(1) FS. History—New \_\_\_\_.

23 **25-6.060 Meter Test – Refereed Dispute Referee.**

24 (1) In the event of a dispute, upon request ~~written application~~ to the Commission by  
25 any customer, a test of the customer’s meter will be made by the utility as soon as practicable.

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

1 Said test will be supervised and witnessed by a representative of the Commission.

2 (2) A meter shall in no way be disturbed after the utility has received notice that  
3 application has been made for such referee test unless a representative of the Commission is  
4 present or unless authority to do so is first given in writing by the Commission or by the  
5 customer.

6 (3) A report of the results of the test will be made by the Commission to the customer.

7 (4) For equipment tested under this rule, any previous accuracy test result on record at  
8 the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.  
9 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(3),  
10 366.08 FS. History—New 7-29-69, Formerly 25-6.60, Amended 7-3-06,\_\_\_\_\_.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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



**ELECTRIC UTILITY EVENT REPORT - INJURY**

<b>Narrative of Event:</b>		
<b>Location of Event:</b>		
<b>Type of Injury:</b>		
<b>Date:</b>	<b>Time:</b>	<b>County:</b>
<b>Facilities Involved</b>		
<b>Voltage:</b>		<b>Constructed Before 7/1/86? (Y/N):</b>
<b>Overhead:</b>	<b>Underground:</b>	
<b>Parallel To:</b>	<b>Parallel To:</b>	
<b>Crossing Over:</b>	<b>Crossing Under:</b>	
<b>Vertical Clearance:</b> ft.      in.	<b>Pad Mounted Equipment:</b>	
<b>Horizontal Clearance:</b> ft.      in.	<b>Burial Depth:</b> in.	
<b>Remarks:</b>	<b>Was Line Marked (Y/N):</b>	
	<b>If Yes, Interval of Markings:</b> ft.	
<b>Was Company Given Advance Notification Of Work? (Y/N):</b>		
<b>Electric Utility:</b>	<b>Reported By:</b>	
<b>Date Reported:</b>	<b>Time Reported:</b>	
<b>Number Of Fatalities:</b>	<b>Number Of Injuries:</b>	

### Description of Electric Utility Event Report Fields

**Constructed Before 7/1/86?:** Was the power line/equipment involved in the event constructed after July 1, 1986?

**Overhead:** Did the event involve an above ground power line(Y/N).

**Underground:** Did the event involve a buried power line(Y/N).

**Parallel To:** Does the power line in question run parallel to a street, highway or other suitable landmark. If yes, enter the name of the street, highway or landmark. Example, Highway 301, rear lot line, drainage canal, Wachovia Bank Building, etc.

**Crossing Over:** Does the overhead power line in question cross over a street, highway or other suitable landmark. If yes, enter the name of the street, highway or landmark. Example, billboard sign, rooftop, balcony, lake, etc.

**Crossing Under:** Does the buried power line in question cross under a street, highway or other suitable landmark. If yes, enter the name of the street, highway or landmark. Example, driveway, Highway 301, fence, etc.

**Vertical Clearance:** Depending on the circumstances of the event, the vertical clearance of the power line from a roadway, rooftop, scaffold, platform, etc.

**Pad Mounted Equipment:** Did the event involve a pad mounted transformer or switchgear.

**Horizontal Clearance:** Similar to Vertical Clearance but for lateral measurements.

**Burial Depth:** If power line is underground, depth to which it is buried.

**Remarks:** This space to be used by reporting company as needed.

**Was Line Marked:** Was the location of the underground power line marked or identified in some way.

**If Yes, Interval of Markings:** What was the interval of the markings. Example, every 3 feet, every 10 feet, etc.

**Was Company Given Advance Notification Of Work? (Y/N):** If the event involved non-utility workers, was the utility given advance notification of the work to be performed?

NOTICE OF STAFF RULE DEVELOPMENT WORKSHOP  
DOCKET NO. 110313-PU  
PAGE 14

**ELECTRIC UTILITY EVENT REPORT - DAMAGES**  
**GREATER THAN \$10,000**

Narrative of Event:

~~Approximate dollar amount of damage to property of others: \_\_\_\_\_~~

Damage to utilities facilities:

Date of Event:

Time of Event:

Constructed Before 7/1/1986? (Y/N):

Location of Event:

County:

Utility Name:

Person Reporting Event:

Date Reported:

Time Reported:

Additional Remarks:

NOTICE OF STAFF RULE DEVELOPMENT WORKSHOP  
DOCKET NO. 110313-PU  
PAGE 15