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OCT 24 PM 1:28
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Public Service Commission

October 24, 2012

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

VIA HAND DELIVERY

RE: Docket No. 110313-PU; Rules 25-6.019, 25-6.0345, 25-6.0346, and 25-6.060,
Florida Administrative Code.

Dear Mr. Plante:

Enclosed are the following materials concerning the above referenced proposed rules:

1. A copy of the proposed rules.
2. A copy of Form PSC/ENG 157 (xx/xx), entitled "PSC Quarterly Report of Completed Work Orders," which is incorporated by reference into Rule 25-6.0346, F.A.C.
3. A copy of Form PSC/ENG 158 (xx/xx), entitled "Electric Utility Event Report - Damages," which is incorporated by reference into Rule 25-6.019, F.A.C.
4. A copy of Form PSC/ENG 159 (xx/xx), entitled "Electric Utility Event Report - Injury," which is incorporated by reference into Rule 25-6.019, F.A.C.
5. A copy of the National Electrical Safety Code (ANSI C-2) (2012 ed.), which is incorporated by reference into Rule 25-6.0345, F.A.C. Please let us know when you have completed your review of this document, so that we may retrieve it for filing with the Department of State.

DOCUMENT NUMBER-DATE

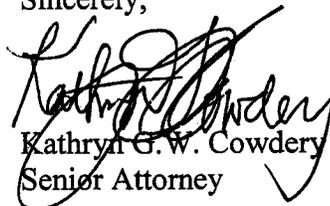
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FPSC-COMMISSION CLERK

6. A copy of the F.A.R. notice.
7. A statement of facts and circumstances justifying the proposed rules.
8. A federal standards statement.
9. Statement of Estimated Regulatory Costs for the rules.

If there are any questions with respect to these rules, please do not hesitate to call me at 413-6216.

Sincerely,



Kathryn G. W. Cowdery
Senior Attorney

Enclosures

cc: Office of Commission Clerk

1 25-6.019 Notification of Events ~~Accidents~~.

2 (1) Form PSC/ENG 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 business day after it learns of the occurrence, each investor-
6 owned electric utility, rural electric cooperative, and municipal electric utility shall notify the
7 Commission's Bureau of Safety, in writing, using Form PSC/ENG 159 (XX/XX),
8 Commission of any event involving ~~accident occurring in connection with~~ any part of the
9 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/ENG 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 Commission's Bureau of Safety, using Form PSC/ENG 158
18 (XX/XX), Commission within 30 days of learning of any event ~~malfunction of or accident~~
19 involving any part of the electrical system, ~~fire, or explosion,~~ that:

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

24 (3) Unless requested by the Bureau of Safety, ~~r~~Reports are not required with respect to
25 personal injury, death, or property damage resulting from vehicular equipment striking poles

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from existing law.

1 and/or other utility property or events directly caused by:

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

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

4 (c) Ice on line;

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

7 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f) and

8 (6), 366.05(1) FS. History—New 7-29-69, Amended 4-13-80, Formerly 25-6.19, Amended

9 _____.

10 25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

11 (1) The Commission adopts and incorporates by reference the 2012 ~~2002~~ edition of the

12 National Electrical Safety Code (ANSI C-2) [NESC], as the applicable safety standards for

13 transmission and distribution facilities subject to the Commission's safety jurisdiction. ~~For~~

14 ~~electrical facilities constructed on or after February 1, 2007, the 2007 NESC shall apply.~~

15 ~~Electrical facilities constructed prior to February 1, 2007, shall be governed by the edition of~~

16 ~~the NESC specified by subsections 013.B.1, 013.B.2, and 013.B.3 of the 2007 NESC. Each~~

17 investor-owned electric utility, rural electric cooperative, and municipal electric system shall,

18 at a minimum, comply with the standards in these provisions. A copy of the ~~2007~~-NESC,

19 ~~ISBN number 0-7381-4893-8~~, may be obtained from the Institute of Electric and Electronic

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

21 ~~(2) Each investor-owned electric utility, rural electric cooperative and municipal electric~~

22 ~~utility shall report all completed electric work orders, whether completed by the utility or one~~

23 ~~of its contractors, at the end of each quarter of the year. The report shall be filed with the~~

24 ~~Director of the Commission's Division of Regulatory Compliance and Consumer Assistance~~

25 ~~no later than the 30th working day after the last day of the reporting quarter, and shall contain,~~

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

1 at a minimum, the following information for each work order:

2 (a) ~~Work order number/project/job;~~

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

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

5 (d) ~~Location of project.~~

6 (3) ~~The quarterly report shall be filed in standard DBase or compatible format, DOS~~

7 ~~ASCII text, or hard copy, as follows:~~

8 (a) ~~DBase Format~~

9 ~~Field Name Field Type Digits~~

10 ~~1. Work orders Character 20~~

11 ~~2. Brief title Character 30~~

12 ~~3. Cost Numeric 8~~

13 ~~4. Location Character 50~~

14 (b) ~~DOS ASCII Text.~~

15 ~~1. Columns shall be the same type and in the same order as listed under Field Names~~

16 ~~above.~~

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

18 ~~3. Character data fields shall be placed between quotation marks ("...").~~

19 ~~4. Numeric data fields shall be right justified.~~

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

21 (e) ~~Hard Copy.~~

22 The following format is preferred, but not required:

23 Completed Electrical Work Orders For PSC Inspection

24	Work	Brief	Estimated	Location
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CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

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Order	Title	Cost	

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

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

- ~~(a) Involves death or injury requiring hospitalization of nonutility persons; or~~
- ~~(b) Is significant from a safety standpoint in the judgment of the utility even though it is not required by subsection (a).~~

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

- ~~(a) Involves damage to the property of others in an amount in excess of \$5000; or~~
- ~~(b) Causes significant damage in the judgment of the utility to the utility's facilities.~~

~~(7) Unless requested by the Commission, reports are not required with respect to personal injury, death, or property damage resulting from vehicles striking poles or other utility property.~~

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

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

1 25-6.0346 Quarterly Reports of Work Orders and Safety Compliance

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

12 (2) In its quarterly report, each utility shall certify to the Commission that all work
13 described in the completed work orders listed in the quarterly report meets or exceeds the
14 applicable standards. Compliance inspections by the Commission shall be made on a random
15 basis or as appropriate.

16 Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f) and (6).

17 366.05(1) FS. History—New _____.

18 25-6.060 Meter Test – Refereed Dispute Referee.

19 (1) In the event of a dispute, upon request ~~written application~~ to the Commission by
20 any customer, a test of the customer's meter shall ~~will~~ be made by the utility as soon as
21 practicable. Said test shall ~~will~~ be supervised and witnessed by a representative of the
22 Commission.

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

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from existing law.

1 customer.

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

3 (4) For equipment tested under this rule, any previous accuracy test result on record at
4 the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

5 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(3), 366.08

6 FS. History—New 7-29-69, Formerly 25-6.60, Amended 7-3-06,_____.

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

**ELECTRIC UTILITY EVENT REPORT – DAMAGES
GREATER THAN 10,000**

Narrative of Event:

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:

ELECTRIC UTILITY EVENT REPORT - INJURY

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

Description of Electric Utility Event Report Fields

Constructed Before 7/1/86? (Y/N): 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? (Y/N): 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?

Form PSC/ENG 159 (xx/12)
Rule 25-6.019(1), F.A.C.

Notice of Proposed Rule

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

PURPOSE AND EFFECT: To update and clarify the rules and to remove duplicative and unnecessary language.

Docket No. 110313-PU

SUMMARY: Rule 25-6.019 is amended to update and clarify language and to add two forms for notification of events involving injury and damages. Rule 25-6.0345 is amended to update materials incorporated by reference to the most current versions, to eliminate duplication and conflict with other rules, and to move certain provisions into a new rule. Rule 25-6.0346 is adopted to make existing rule provisions currently in Rule 25-6.0345(2) and (4) easier to locate by moving them to this new rule. Rule 25-6.060 is amended to clarify the rule title, allow oral requests for customer meter tests, and require such tests to be witnessed by a Commission representative.

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 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: 350.127(2), 366.05(1), FS

LAW IMPLEMENTED: 366.04(2)(f), (6), 366.05(1), (3), FS

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: Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216,

kcowdery@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.019 Notification of ~~Events~~ Accidents.

(1) Form PSC/ENG 159 (XX/XX), entitled "Electric Utility Event Report – Injury," is incorporated in this rule by reference and may be obtained from the Commission's Division of Administrative Services and is also available at [Dept of State hyperlink]. As soon as practicable, but no later than two business day after it learns of the occurrence, each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall notify the Commission's Bureau of Safety, in writing, using Form PSC/ENG 159 (XX/XX), Commission of any event involving ~~accident occurring in connection with~~ any part of the electrical system which:

(a) No change.

(b) No change.

(2) Form PSC/ENG 158 (XX/XX) entitled "Electric Utility Event Report – Damages," is incorporated into this rule by reference and may be obtained from the Commission's Division of Administrative Services and is also available at [Dept of State hyperlink]. Each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall report, in writing, to the Commission's Bureau of Safety, using Form PSC/ENG 158 (XX/XX), Commission within 30 days of learning of any event malfunction-of-or-accident involving any part of the electrical system, fire, or explosion, that:

(a) Involves damage to the property of others for an amount in excess of \$10,000 ~~\$5000~~, or,

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

(3) Unless requested by the Bureau of Safety, rReports are not required with respect to personal injury, death, or property damage resulting from vehicular equipment striking poles and/or other utility property or events directly caused by:

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

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

(c) Ice on line;

(d) An extreme weather or fire event causing activation of the county emergency operation center.

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

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

(1) The Commission adopts and incorporates by reference the 2012 ~~2002~~ edition of the National Electrical Safety Code (ANSI C-2) [NESC], as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. ~~For electrical facilities constructed on or after February 1, 2007, the 2007 NESC shall apply. Electrical facilities constructed prior to February 1, 2007, shall be governed by the edition of the NESC specified by subsections 013.B.1, 013.B.2, and 013.B.3 of the 2007 NESC.~~ Each investor-owned electric utility, rural electric cooperative, and municipal electric system shall, at a minimum, comply with the standards in these provisions. A copy of the ~~2007 NESC, ISBN number 0-7381-4893-8,~~ may be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE), 3 Park Avenue, New York, NY, 10016-5997.

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

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

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

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

(d) ~~Location of project.~~

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

(a) DBase Format

Field Name	Field Type	Digits
1. Work orders	Character	20
2. Brief title	Character	30
3. Cost	Numeric	8
4. Location	Character	50

(b) DOS ASCII Text.

1. Columns shall be the same type and in the same order as listed under Field Names above.
2. A comma (,) shall be placed between data fields.
3. Character data fields shall be placed between quotation marks ("...").
4. Numeric data fields shall be right justified.
5. Blank spaces shall be used to fill the data fields to the indicated number of digits.

(c) Hard Copy.

The following format is preferred, but not required:
Completed Electrical Work Orders For PSC Inspection

Work Order	Brief Title	Estimated Cost	Location

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

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

- (a) Involves death or injury requiring hospitalization of nonutility persons; or
- (b) Is significant from a safety standpoint in the judgment of the utility even though it is not required by subsection (a).

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

- (a) Involves damage to the property of others in an amount in excess of \$5000; or
- (b) Causes significant damage in the judgment of the utility to the utility's facilities.

~~(7) Unless requested by the Commission, reports are not required with respect to personal injury, death, or property damage resulting from vehicles striking poles or other utility property.~~

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

25-6.0346 Quarterly Reports of Work Orders and Safety Compliance

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

(2) In its quarterly report, each utility shall certify to the Commission that all work described in the completed work orders listed in the quarterly report meets or exceeds the applicable standards. Compliance inspections by the Commission shall be made on a random basis or as appropriate.

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

25-6.060 Meter Test – Refereed Dispute Referee.

(1) In the event of a dispute, upon ~~request~~ written application to the Commission by any customer, a test of the customer's meter ~~shall~~ will be made by the utility as soon as practicable. Said test ~~shall~~ will be supervised and witnessed by a representative of the Commission.

(2) No change.

(3) No change.

(4) No change.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(3), 366.08 FS. History—New 7-29-69, Formerly 25-6.60, Amended 7-3-06, _____.

Posting of the 2012 edition of the National Electrical Safety Code on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These materials are available for public inspection and examination at the Florida Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, and the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 37, Number 45, November 10, 2011, and, Volume 38, Number 15, April 13, 2012

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

Rule 25-6.019, Notification of Accidents, is amended to incorporate forms to be used by electric utilities in reporting events involving injury and involving property damage. The amount of property damage triggering the reporting requirement has been updated from \$5000 to \$10,000.

Rule 25-6.0345, Safety Standards for Construction of New Transmission and Distribution Facilities, is amended to delete provisions concerning quarterly reports, which has been moved to new rule 25-6.0346, to make those provisions easier to find. The rule is updated to reference the most recent edition of the National Electrical Safety Code, and notification requirements which were duplicative of provisions of Rule 25-6.019 are deleted.

Rule 25-6.0346, Quarterly Reports of Work Orders and Safety Compliance, is adopted to address, by separate rule, requirements for submitting quarterly reports of work orders and safety compliance, including a reporting form which is incorporated by reference, in order to make this subject matter easier to locate and for consistency with Section 120.54(1)(g), F.S.

Rule 25-6.060, Meter Test – Referee, is amended to allow oral customer requests for meter tests, and to require such tests to be witnessed by a Commission representative. These changes are consistent with the gas meter test dispute rule, and clarify the intent of the rule.

STATEMENT ON FEDERAL STANDARDS

There are no federal standards for the proposed rules.

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

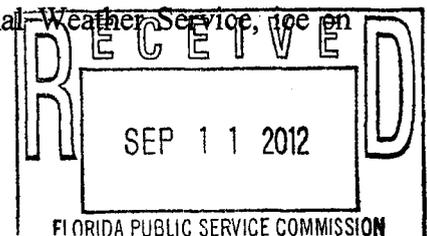
DATE: September 11, 2012
TO: Kathryn Cowdery, Senior Attorney, Office of the General Counsel
FROM: William B. McNulty, Economic Analyst, Division of Economic Regulation *WBM*
RE: Statement of Estimated Regulatory Costs for Draft Amendments to Rules 25-6.019, 25-6.0345, and 25-6.060, F.A.C., and for Draft Rule 25-6.0346, F.A.C.

Summary of Draft Rule Amendments and Draft Rule

This Statement of Estimated Regulatory Cost (SERC) addresses three draft rule amendments (Rules 25-6.019, 25-6.0345, and 25-6.060, Florida Administrative Code (F.A.C.)) and one draft rule adoption (Rule 25-6.03456, F.A.C.). Rule 25-6.019, F.A.C., Notification of Accidents, addresses utility reporting requirements regarding deaths or injuries to non-utility persons and damages associated with electrical system accidents. Rule 25-6.0345, F.A.C., Safety Standards for Construction of New Transmission and Distribution Facilities, identifies the governing standard for electrical facilities and work order reporting requirements. Rule 25-6.060, F.A.C., Meter Test – Referee, addresses customer-requested meter tests in the event of a dispute, wherein a Commission representative supervises the test.

The draft amendment to Rule 25-6.019, F.A.C., Notification of Accidents, would clarify the reporting requirements associated with events involving any part of the electrical system which involves the death or injury to non-utility persons or damage to property. The draft rule amendment would require electric utilities to file a report form for events involving death or injury of a non-utility person and for events which are significant from a safety standpoint. Such forms would be required within two business days after the electric utility learns of the occurrence. Under the current rule, electric utilities are required to notify the Commission as soon as practicable of any accident involving the death or injury to non-utility persons or events which are significant from a safety standpoint. Similarly, the draft amendment would require electric utilities to file a report form within 30 days of learning of any event involving damage to property of others exceeding \$10,000 or causing significant damage to utility facilities. Under the current rule, electric utilities are required to report to the Commission within 30 days of an event resulting in property damages exceeding \$5,000 or an event resulting in significant damage to utility facilities.

In addition, the draft amendment to Rule 25-6.-19, F.A.C. would expand the types of events for which notification reports are not required to include events caused by storms named by the National Hurricane Center, tornados recorded by the National Weather Service, ice on



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lines, and extreme weather or fire events causing activation of the county emergency operations center.

The draft amendment to Rule 25-6.0345, F.A.C., Safety Standards for Construction of New Transmission and Distribution Facilities, would update the safety standard reference from the 2007 National Electrical Safety Code (NESC) to the 2012 NESC. The draft amendment would delete all requirements associated with reports of completed electric work orders and safety standard certifications. Such requirements are duplicated in draft Rule 25-6.0346, F.A.C. The draft amendment to Rule 25-6.0345, F.A.C., would also delete all safety reporting requirements. For organizational purposes, such requirements would be transferred, with modifications, to Rule 25-6.019, F.A.C., as discussed above.

Draft Rule 25-6.0346, F.A.C., Quarterly Reports of Work Orders and Safety Compliance, would incorporate the quarterly work orders reporting requirement currently contained in Rule 25-6.0345, F.A.C. Draft Rule 25-6.0346, F.A.C., references a required work orders reporting form to be filed quarterly with the Commission's Bureau of Safety rather than, as appears in current Rule 25-6.0345, F.A.C., a description of the format of the required report information within the rule text.

Finally, the draft amendment to Rule 25-6.060, F.A.C., Meter Test – Referee, would require meter tests to be supervised and witnessed by a representative of the Commission. Under the current rule, meter tests are required to be supervised, but not witnessed, by a Commission representative. Also, under the draft amendment, a test would be conducted upon customer request. Under the current rule, written applications for meter tests by the customer are required.

Economic Analysis of Impacts on Economic Growth or Business Competitiveness

Subparagraph 120.541(2)(a)1, Florida Statutes (F.S.), requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. Subparagraph 120.541(2)(a)2, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on business competitiveness in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. The draft rule amendments and draft rule were evaluated for the potential for having adverse impacts on measures of economic activity noted above.

The draft amendment to Rule 25-6.019, F.A.C., is expected to have none of the adverse impacts on the economic measures identified in Subparagraphs 120.541(2)(a)1 and 2, F.S. The reporting requirements for events resulting in death or injury to non-utility persons per draft Form PSC/ENG 159 requires standard information which would be collected by the utility. Similarly, the reporting requirements for events resulting in damages to the property of others per draft Form PSC/ENG 158 requires standard information which would be collected by the utility. Each of these draft forms is a single page and cannot be considered to be a substantive expansion to the level of reporting currently required. The draft amendment would expand the

death, injury, or property damage report exemptions to include events caused by named storms, recorded tornados, ice on lines, and extreme weather or fire events causing activation of the county emergency operations center. The current rule only exempts events resulting from vehicular equipment striking poles. The additional exemptions can be expected to reduce the number of required reports. In sum, under the draft amendment to Rule 25-6.019, F.A.C., the notification requirements are standardized and reduced. As such, the draft amendment can be expected to result in nominal cost savings to electric utilities. Thus, the draft amendment to Rule 25-6.019, F.A.C., is not expected to adversely impact economic growth, job creation, private sector investment, or business competitiveness.

The draft amendment to Rule 25-6.0345, F.A.C., is expected to have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S. Substantively, the draft amendment to Subsection 25-6.0345(1) simply updates the reference to the current edition of the NESC. The draft amendment would delete Subsections 25-6.0345(2) through (4) entirely and transfer them in modified format to the draft Rule 25-6.0346, F.A.C. The draft amendment would delete Subsections 25-6.0345(5) through (7) since they are duplicated in Rule 25-6.019, F.A.C. Thus, the draft amendment to Rule 25-6.0345, F.A.C., is not expected to adversely impact economic growth, job creation, private sector investment, or business competitiveness.

The draft Rule 25-6.0346, F.A.C., is expected to have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S. Substantively, the draft rule replicates in report format the existing requirements found in Rule 25-6.0345(2) through (4). The required quarterly reports would follow the format specified in draft Form PSC/ENG 157, incorporated into the rule by reference, a single page form similar to the format currently specified in Rule 25-6.0345, F.A.C. As such, the draft amendment to Rule 25-6.0346, F.A.C., is not expected to adversely impact economic growth, job creation, private sector investment, or business competitiveness.

The draft amendment to Rule 26-6.060, F.A.C., is expected to have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S. The draft amendment requires meter tests under dispute to be witnessed by Commission representatives, but that procedure is the norm currently. As such, the draft amendment to Rule 25-6.060, F.A.C., is not expected to adversely impact economic growth, job creation, private sector investment, or business competitiveness.

Estimated Transactional Costs to Individuals and Entities

Section 120.541(2)(d), F.S., requires a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As discussed above in "Economic Analysis of Impacts on Economic Growth and Business Competitiveness," the draft rule amendments and draft rule do not expand the requirements for the utilities. The draft rule amendment to Rule 25-6.019, F.A.C., would actually reduce the types of events for which Commission notification is required, which can be expected to reduce the level of costs to the electric utilities. The draft forms

referenced in the draft amendment to Rule 25-6.019 and draft Rule 25-6.0346, F.A.C., standardize and simplify the reporting requirements without expanding the volume of information required, which may yield further cost savings. The draft amendment to Rule 25-6.060, F.A.C., does not require any additional activity or expense on the part of the utilities. In sum, the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the draft amendments to Rules 25-6.019, 25-6.0345, and 25-6.060, F.A.C., and draft Rule 25-6.0346, F.A.C., individually and collectively, is zero.

Rule Implementation and Enforcement Costs

Section 120.541(2)(c), F.S., requires a good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues. The draft rule amendments and draft rule are not expected to require increases in costs related to their implementation or enforcement. The standardized forms which would be required by the draft amendments and draft rule would streamline record keeping and the Commission staff's review of the information contained in the forms. The draft rule amendments and draft rule are not expected to have any effect on state or local revenues.

Economic Analysis of Regulatory Costs

Subparagraph 120.541(2)(a)3, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to increase regulatory cost, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. Based upon the analysis in the above sections "Estimated Transactional Costs to Individuals and Entities" and "Rule Implementation and Enforcement Costs," the draft rule amendments and draft rule are not expected to introduce new transactional costs or agency costs, the two components of regulatory costs. Thus, the draft amendments to Rules 25-6.019, 25-6.0345, and 25-6.060, F.A.C., and draft Rule 25-6.0346, F.A.C., are not expected to directly or indirectly increase regulatory costs including any transactional costs, in excess of \$1 million in the aggregate, within 5 years after the implementation of the rule.

Estimated Number of Entities Required to Comply

Subparagraph 120.541(2)(b), F.S., requires a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals anticipated to be affected by the rule. Fifty-seven electric utilities would be required to comply with draft amendments to Rules 25-6.019 and 25-6.0345, F.A.C. and draft Rule 25-6.0346, F.A.C., including five investor-owned electric utilities, 34 municipal electric utilities, and 18 electric cooperatives. Five investor-owned electric utilities would be required to comply with the draft amendment to Rule 25-6.060, F.A.C. Utility customers are expected to be unaffected by the draft rule amendments, if adopted.

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Impact On Small Businesses, Small Cities, Or Small Counties

Section 120.541(2)(e), F.S., requires an analysis of the impact of the proposed changes on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined in Section 120.52, F.S. The draft amendments to Rules 25-6.019, 25-6.0345, and 25-6.060, F.A.C., and draft Rule 25-6.0346, F.A.C., are expected to be transparent to small businesses, small counties, and small cities. Since the draft rule amendments and draft rule are not expected to result in any incremental costs, rates to small businesses, small counties, and small cities should be unaffected.

Additional Information Deemed Useful By The Agency

None.

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