

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: November 26, 2012
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Kathryn G. W. Cowden, Office of the General Counsel
RE: Docket No. 110313-PU

RECEIVED FPSC
12 NOV 26 PM 1:00
COMMISSION
CLERK

Please file the attached rule certification packet for Rules in the docket file listed above.

Thank you.

Attachment

DOCUMENT NUMBER DATE
07830 NOV 26 12
FPSC-COMMISSION CLERK

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

November 26, 2012

Ms. Liz Cloud
Florida Department of State
Administrative Code and Weekly Section
R. A. Gray Bldg., Suite 101
Tallahassee, FL 32399-0250

Via Hand-Delivery

Re: Rule Certification Packet for Rules 25-6.019, 25-6.0345, 25-6.0346, and 25-6.060, Florida Administrative Code. PSC Docket No. 110313-PU

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-6.019, 25-6.0345, 25-6.0346, and 25-6.060, Florida Administrative Code, consisting of:

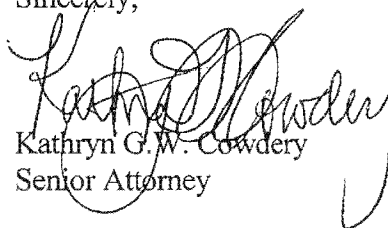
- (1) One compact disc containing the coded text of the rules;
- (2) The e-mail approval confirmations with the Certification of Materials Incorporated by Reference form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically;
- (3) The Certification of Materials Incorporated by Reference form for the materials incorporated by reference that are copyrighted, including a paper copy of these incorporated materials;
- (4) One original and two copies of the signed rule certification form;
- (5) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (6) One original and two copies of the summary of the rules;
- (7) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (8) One original and two copies of the summary of the hearings held on the rules.

2012 NOV 26 AM 10:08
FILED
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

Liz Cloud
November 26, 2012
Page 2

Please let me know if you have any questions. The contact name and information for these rules are Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, 413-6216, kcowdery@psc.fl.state.us.

Sincerely,



Kathryn G.W. Cowdery
Senior Attorney

Enclosures

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Friday, November 16, 2012 4:26 PM
To: Julie Phillips
Cc: firules@dos.state.fl.us
Subject: 25-6.019 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-6.019

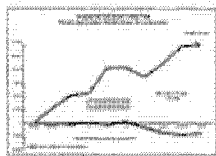
Reference Number: Ref-02041; Reference Name: PSC/ENG 158 (12/12), PSC/ENG 159 (12/12)

Click [here](#) to log in.

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Division of Library and Information Services
Florida Department of State

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Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Friday, November 16, 2012 4:27 PM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-6.0346 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-6.0346

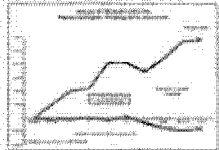
Reference Number: Ref-02040; Reference Name: PSC/ENG 157 (12/12)


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|---|---|

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CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rules 25-6.019 and 25-6.0346, have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained from the Commission's Division of Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Fl 32399-0850.

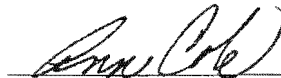
List form numbers and form titles:

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.

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.

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.

Under the provisions of Section 120.54(3)(e)6., F. S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.



Ann Cole

Commission Clerk

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rule 25-6.0345, F.A.C., have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained from the Institute of Electric and Electronic Engineers, Inc., 3 Park Avenue, New York, New York, 10016-5997.

List title of document below:

The National Electrical Safety Code (ANSI C-2) (2012 ed.), which is incorporated by reference into Rule 25-6.0345, F.A.C.

Under the provisions of Section 120.54(3)(e)6., F. S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.



Ann Cole

Commission Clerk

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-6.019

25-6.0345

25-6.0346

25-6.060

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



ANN COLE

Commission Clerk _____
Title _____
Number of Pages Certified 5

25-6.019 Notification of Events Accidents.

(1) Form PSC/ENG 159 (12/12), 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02041>. 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 (12/12), Commission of any event involving accident occurring in connection with any part of the electrical system which:

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

required by paragraph (a).

(2) Form PSC/ENG 158 (12/12) 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02041>. 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 (12/12), 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.

(H) 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 (12/12), "PSC Quarterly Report of Completed Work Orders," which is available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02040>. 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) A meter shall in no way be disturbed after the utility has received notice that application has been made for such referee test unless a representative of the Commission is present or unless authority to do so is first given in writing by the Commission or by the customer.

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

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

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, _____.

SUMMARY OF THE RULES

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 have been moved to new rule 25-6.0346. 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, and a reporting form has been incorporated by reference.

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.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULES

Rule 25-6.019 is amended to incorporate all relevant injury and damage notification requirements into one rule for clarification and to remove duplicative language from the rules. Two forms for written notification are incorporated for consistency in reporting, and the property damage amount triggering notification requirements is updated by increasing the amount from \$5000 to \$10,000. Amendments to provisions regarding event reporting are intended to clarify and update the rule.

Rule 25-6.0345 is amended to delete provisions concerning quarterly reports, which for clarity are moved to new rule 25-6.0346. 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. Obsolete and unnecessary reporting formatting requirements are deleted.

Based upon input from the electric industry, Rule 25-6.0346 is adopted to specifically address quarterly reports of work orders and safety compliance, for clarity, to make this subject matter easier to locate, and for consistency with Section 120.54(1)(g), F.S. These provisions were previously included in Rule 25-6.0345. A new reporting form is incorporated by reference to provide consistency in reporting.

Rule 25-6.060 is amended to update and clarify the rule to reflect that oral requests for customer meter tests are allowed and that such tests shall be witnessed by a Commission representative. These changes are consistent with the gas meter test dispute rule and clarify the intent of the rule.

SUMMARY OF ANY HEARINGS HELD ON THE RULES

No timely request for a hearing was received by the agency, and no hearing was held.