BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: RULES 25-6.0346, 25-12.005, 25-12.008, 25-12.022, 25-12.027, 25-12.040, AND 25-12.085, FLORIDA ADMINISTRATIVE CODE

ISSUED: April 20, 2016

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to amend Rules 25-6.0346, 25-12.005, 25-12.008, 25-12.022, 25-12.027, 25-12.040, and 25-12.085, Florida Administrative Code, to streamline, remove obsolete terms, and to incorporate the 2016 Code of Federal Regulations. Rule 25-6.0346 is being amended to specify the information that must be included in a work order list.

The attached Notices of Development of Rulemaking appeared in the April 20, 2016 edition of the Florida Administrative Register. If requested in writing and not deemed unnecessary by the agency head, a rule development workshop will be scheduled and noticed in the next available Florida Administrative Register. Written requests for a rule development workshop must be submitted to Adria Harper, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, aharper@psc.state.fl.us by May 11, 2016. A copy of the preliminary draft rules is attached.

By DIRECTION of the Florida Public Service Commission this 20th day of April, 2016.

Carlotta S Stauffer

CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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.

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Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-6.0346 Quarterly Reports of Work Orders and Safety Compliance

PURPOSE AND EFFECT: To specify the information that must be included in a work order list.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Electric safety rules.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1) FS.

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

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adria Harper, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, aharper@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-12.005	Codes and Standards Adopted
25-12.008	New, Reconstructed or Converted Facilities
25-12.022	Requirements for Distribution System Valves
25-12.027	Welder Qualification
25-12.040	Leak Surveys, Procedures and Classification
25-12.085	Written Annual Reports Required

PURPOSE AND EFFECT: To streamline, remove obsolete terms, and to incorporate the 2016 edition of the Code of Federal Regulations.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Gas Safety

RULEMAKING AUTHORITY: 350.127(2), 368.03, 366.05(1), 368.05(2) FS.

LAW IMPLEMENTED: 366.04(2)(f), 366.05(1), 368.03, 368.05, 368.05(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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 provide a work order list ~~report all completed electric work orders,~~ relating to the construction and/or maintenance of transmission and distribution facilities~~, whether~~ that is completed by the utility or one of its contractors~~, at the end of each quarter of the year~~. The work order list shall contain the utility name, contact name, quarter and year, work order number, location of construction, county of construction, estimated costs, and brief description of the work (overhead or underground) and shall be sent via e-mail ~~report shall be electronically filed with~~ to the Chief of the Bureau of Safety at RMoses@PSC.STATE.FL.US ~~Commission Clerk~~ 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 incorporated into this rule by reference and is available at [insert FAC hyperlink to PSC Quarterly Report of Completed Work Orders form], is an example work order list that may be completed and filed with the Chief of the Bureau of Safety to meet the reporting requirement of this rule ~~and which is available~~. ~~This form is incorporated into this rule by reference and may also be obtained from the Commission's Division of Administrative and Information Technology 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),(6), 366.05(1) FS. History–New 12-16-12, Amended_____.

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

25-12.005 Codes and Standards Adopted.

The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas prescribed by the Pipeline and Hazardous Materials Safety Administration in 49 C.F.R. 191 and 192 (2016)~~(2011)~~, are adopted and incorporated by reference as part of these rules. 49 C.F.R. 191 (2016)~~(2011)~~ may be accessed at [insert hyperlink] ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-01534~~. 49 C.F.R. 192 (2016)~~(2011)~~ may be accessed at [insert hyperlink] ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-01535~~. 49 C.F.R. 199 (2016)~~(2011)~~, "Drug and Alcohol Testing," is adopted and incorporated by reference to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for on-site construction of natural gas transporting pipeline facilities 49 C.F.R. 199 (2016)~~(2011)~~ may be accessed at [insert hyperlink] ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-01537~~. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations. *Rulemaking Authority 368.03, 368.05(2), 350.127(2) FS. Law Implemented 368.03, 368.05 FS. History–New 11-14-70, Amended 9-24-71, 9-21-74, 10-7-75, 11-30-82, 10-2-84, Formerly 25-12.05, Amended 8-8-89, 1-7-92, 5-13-99, 4-26-01, 12-15-09, 10-11-12,* _____.

25-12.008 New, Reconstructed or Converted Facilities.

(1) No new or reconstructed system or portion thereof may be:

(a) Constructed, until written construction specifications complying with these rules are developed.

(b) Placed in service until the pipeline facilities have been inspected and found to comply with the construction specifications and Operating and Maintenance Plans.

(2) Before a piping system can be converted to a regulated gas, the operator must:

(a) Have a general conversion procedure as a part of its operation and maintenance plan.

(b) File a conversion plan with the Commission for the specific system at least 15 days prior to start of conversion. This plan need not be filed for minor conversions which are scheduled to be completed in one day and where sectionalizing of the system to be converted is not planned.

(c) Have ~~sufficient~~ inspections performed of the pipeline to assure that it was constructed in accordance with standards applicable at the time of installation. Visual inspection of the underground facilities ~~may~~ will not be required if ~~adequate~~ construction and testing records have been maintained.

(d) Review the operating and maintenance history of the system to be converted. Any areas showing abnormal maintenance requirements shall be replaced, reconditioned or otherwise made safe prior to conversion.

(e) Establish the maximum allowable operating pressure no greater than the highest sustained operating pressure during the 5 years prior to conversion unless it was tested or uprated after July 1, 1970 in accordance with the Subparts J or K of 49 C.F.R. 192 (2016)~~(2011)~~.

(f) Make a leak survey over the entire converted system concurrent with the conversion.

(g) Determine areas of active corrosion as required by 49 C.F.R. 192 (2016)~~(2011)~~ and

these rules. Required cathodic protection must be accomplished within 1 year after the date of conversion except that buried steel tubing must be protected prior to placing the system into operation.

Rulemaking Authority 350.127(2), 368.03, 368.05(2) FS. Law Implemented 368.03, 368.05(2) FS. History–New 11-14-70, Amended 9-21-74, 10-7-75, 10-2-84, Formerly 25-12.08, Amended 12-15-09, 10-11-12, _____.

25-12.022 Requirements for Distribution System Emergency Valves.

(1) Valves ahead of regulator stations – A valve shall be installed upstream of each regulator station for use in an emergency to stop the flow of gas. These valves are to be installed at a safe distance from the station, but no more than 500 feet from the regulator station. The distance for the valve location can be greater than 500 feet if physically impractical to install closer.

(2) Emergency ~~Sectionalizing~~ valves – Valves shall be spaced within each distribution system to reduce the time to shut-down a segment of the system in an emergency. In determining the spacing of these valves, the following factors shall be evaluated:

(a) Volume and pressure of gas between valves.

(b) Size of area and population density between valves required to isolate the area and ~~as well as~~ the accessibility of the required valves.

(c) The minimum number of personnel required to shutdown and restore the area.

(d) Other means and availability of required equipment to control the flow of gas in the event of an emergency.

(e) The number and type of customers, such as hospitals, schools, commercial, and industrial loads~~, etc.,~~ that will be affected.

(3) Identification – Emergency ~~Sectionalizing~~ and other critical valves shall be designated on appropriate records, drawings or maps used by the operator and shall be referenced to "permanent" aboveground structures or other field ties so the valves can be readily located. The valve installation and all records showing these valves must be marked for prompt identification using any logical designating system. The valve marking must be accomplished using a durable tag or other equivalent means located as follows:

(a) For aboveground valves or valves located in vaults which have to be operated from within the vault, the marking shall appear on the valve body or hand wheel.

(b) For buried valves or valves operated by a key wrench, the marking shall be legible and may be on any type of permanent material placed ~~appear~~ in a visible location ~~on the~~ inside of the curb box or standpipe where the cover will not abrade the marking. Making the cover only is not acceptable.

(4) Blowdown valve requirements – Where blowdown valves are used to aid the evacuation of gas from segments of mains between isolation valves, these valves must:

(a) Be protected against tampering and mechanical damage from outside forces.

(b) Be designed for safe venting giving consideration to the direction of flow, electric facility locations, proximity of people, etc.

(c) Be readily accessible in the event of an emergency.

(5) All the emergency ~~sectionalizing~~ valves which may be necessary for the safe operation of the system must be inspected and maintenance performed to assure location, access and operating ability at intervals not exceeding 15 months but at least each calendar year.

(6) Emergency valves must be maintained such that they are able to be closed within 15 minutes from the time the valve box is opened.

Rulemaking Authority 368.05(2) FS. Law Implemented 368.05(2) FS. History–New 9-21-74, Amended 10-7-75, 10-2-84, Formerly 25-12.22, Amended 12-15-09, _____.

25-12.027 Welder Qualification.

(1) No welder shall make any pipeline weld unless the welder has qualified in accordance with Section 6 ~~3~~ of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, 20th edition, October 2005 including Errata/Addendum July 2007 and Errata 2 (2008), incorporated by reference herein, or Appendix C of 49 C.F.R. 192 (2016) ~~(2011)~~, within the preceding 15 months, but at least once each calendar year. A copy of API 1104 may be obtained from http://www.api.org/Standards/.

(2) No welder shall weld with a particular welding process unless the welder has engaged in welding with that process within the preceding six calendar months. A welder who has not engaged in welding with that process within the preceding six calendar months must requalify for that process as set forth in subsection (1) of this rule ~~herein~~.

Rulemaking Authority 350.127(2), 368.03, 368.05(2) FS. Law Implemented 368.03, 368.05 FS. History–New 1-7-92, Amended 12-15-09, 10-11-12, _____.

25-12.040 Leak Surveys, Procedures and Classification.

(1) Each operator shall perform periodic leakage surveys in accordance with the following schedule ~~as a minimum~~:

(a) A gas detector instrument survey shall be conducted at intervals not exceeding 15 months but at least once each calendar year in those portions of an operator's service area, including:

1. Principal business districts, master meter systems, and places where the public is known to congregate frequently.

2. Where pipeline facilities, including service lines, are located under surfaces of such construction that little opportunity is afforded for a leak to vent safely.

(b) A gas detector instrument survey to locate leaks throughout areas not included in subsection (a) above shall be conducted at intervals not exceeding 3 ~~three (3)~~ years on bare metallic, galvanized steel, coated tubing pipelines, and 5 ~~five (5)~~ years on the remaining pipeline system, or more frequently if experience indicates.

(2) The following leak classification system shall be used on all leak records and reports:

(a) "Grade 1 Leak" – a leak of gas that represents an existing or probable hazard to persons or buildings. In order ~~Prompt action~~ to protect life and property, these leaks shall be repaired immediately and continuous action shall be taken until conditions are no longer hazardous ~~is required~~.

(b) "Grade 2 Leak" – a leak that is not a threat to persons or property at the time of detection, but justifies scheduled repair based on potential future hazard. These leaks shall be repaired within 90 days from the date the leak was originally located, unless due to resurvey the leak was determined to be Grade 3 as defined in subsection (c) below. In determining the time period for repair, the following criteria should be taken into consideration:

1. Amount and migration of gas;

2. Proximity of gas to buildings and subsurface structures;

3. Extent of pavement;

4. Soil type and conditions, such as moisture and natural venting.

(c) "Grade 3 Leak" – a leak that is not a threat to persons and property and is not expected to become so. Above ground grade 3 leaks shall be repaired within 90 days from the date the leak was originally located unless the leak is upgraded or does not produce a positive leak indication when a soap and water solution, or its equivalent, is applied on suspected locations at operating pressure. Grade 3 leaks that are underground shall be reevaluated at least once every 6 months until repaired. The frequency of reevaluation shall be determined by the location and magnitude of the leak.

(3) All ~~The adequacy of all~~ the repairs of leaks shall be checked by appropriate methods immediately after the repairs are completed. Where there is residual gas in the ground, a follow-up inspection using a gas detector instrument must be made as soon as the gas has had an opportunity to dissipate, but no later than one month for Grade 1 leaks and 6 months for Grade 2 leaks. The date and status of recheck shall be recorded on the leak repair records.

(4) If residual gas is detected on the follow-up inspection, continued monthly monitoring and inspections shall be done until gas is no longer detected.

Rulemaking Authority 368.05(2) FS. Law Implemented 368.05(2) FS. History–New 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.40, Amended 1-7-92, 12-15-09, _____.

25-12.085 Written Annual Reports Required.

(1) Each operator of a distribution system shall submit an annual report on Pipeline and Hazardous Materials Safety Administration Form PHMSA F 7100.1-1 (2016)~~(12-05)~~, entitled "Annual Report for Calendar Year 20____ Gas Distribution System," which is incorporated by reference in this rule and is available at [insert FAC hyperlink] for each distribution system. In the case of an operator who has more than one distribution system, a combined annual report must be submitted which includes all facilities operated within the State of Florida subject to the Commission's jurisdiction.

~~(2) Each operator of a distribution system shall, for facilities that operate at 20 percent or more of the specified minimum yield strength, or that are used to convey gas into or out of storage, submit an annual reports for those facilities on Pipeline and Hazardous Materials Safety Administration Form PHMSA F 7100.2-1 (12-05), entitled "Annual Report for Calendar Year 20____ Gas Transmission & Gathering Systems."~~

(2)~~(3)~~ Each operator of a transmission system shall submit an annual report on Pipeline and Hazardous Materials Safety Administration Form PHMSA F 7100.2-1 (2016)~~(12-05)~~, which is incorporated by reference in this rule and is available at [insert FAC hyperlink]. All the above reports must be submitted for the preceding calendar year so as to be received by the Commission no later than March 15th of each year.

Rulemaking Authority 350.127(2), 368.05(2) FS. Law Implemented 368.03, 368.05(2) FS. History–New 11-14-70, Amended 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.85, Amended 12-15-09, _____.