

State of Florida



FILED FEB 10, 2017
DOCUMENT NO. 01808-17
FPSC - COMMISSION CLERK

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: February 10, 2017
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Adria Harper, Office of the General Counsel
RE: Docket No.160121-GU

Please file the attached rule certification packets for Rules 25-6.0346, 25-12.005, 25-12.008, 25-12.022, 25-12.027, 25-12.040 and 25-12.085, F.A.C., in the docket file listed above.

Thank you.

Attachment

COMMISSION
CLERK

2017 FEB 10 PM 1:50

RECEIVED-FPSC

COMMISSIONERS:
JULIE I. BROWN, CHAIRMAN
DONALD J. POLMANN
ART GRAHAM
RONALD A. BRISÉ
JIMMY PATRONIS

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

February 10, 2017

Mr. Ernest Reddick
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

Re: Rule Certification Packet for Rule 25-6.0346, F.A.C.

Dear Mr. Reddick:

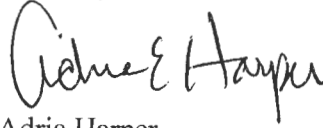
Enclosed for filing is a complete rule certification packet for Rule 25-6.0346, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rule;
- (2) There are no materials incorporated by reference into this rule.
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rule;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (7) One original and two copies of the summary of the hearings held on the rule.

2017 FEB 10 11:26
TALLAHASSEE, FLORIDA

Please let me know if you have any questions. The contact name and information for this rule are Adria Harper, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, aharper@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Adria Harper". The signature is written in a cursive style with a large initial "A".

Adria Harper
Senior Attorney

Enclosures

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.

Rule 25-6.0346, F.A.C.

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)


CARLOTTA S. STAUFFER

Commission Clerk _____
Title _____
Number of Pages Certified _____

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 ~~report~~ 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 and underground), and shall be sent via e-mail to electronically filed with the Electric-QTR-Reports@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 available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02040>, ~~is an example work order list that may be completed and filed to meet the reporting requirement for this rule~~. 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, _____.

SUMMARY OF THE RULE

Rule 25-6.0346, F.A.C., implements Sections 366.04(2) and 366.05(1) F.S., and requires that each investor-owned electric utility, rural electric cooperative and municipal electric utility to 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, to the Commission at the end of each quarter of the year.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-6.0346, F.A.C., specifies that required quarterly work order lists be sent directly to Commission staff via e-mail, without requiring a specific form that must be used, as long as there is sufficient information provided. The rule is amended to clarify the types of information required to be provided including utility name, contact name, quarter and year, work order number, location of construction, county of construction, estimated costs and a brief description of the work.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

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

COMMISSIONERS:
JULIE I. BROWN, CHAIRMAN
DONALD J. POLMANN
ART GRAHAM
RONALD A. BRISÉ
JIMMY PATRONIS

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

February 10, 2017

Mr. Ernest Reddick
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

2017 FEB 10 AM 11:16
TALLAHASSEE, FLORIDA
FILED

Re: Rule Certification Packet for Rules 25-12.005, 25-12.008, 25-12.022, 25-12.027, 25-12.040 and 25-12.085, F.A.C.

Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rules 25-12.005, 25-12.008, 25-12.022, 25-12.027, 25-12.040 and 25-12.085, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rule;
- (2) One original and two copies of the e-mail approval confirmations with the certification 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.

Please let me know if you have any questions. The contact name and information for this rule are Adria Harper, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, aharper@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Adria Harper". The signature is written in a cursive style with a large initial "A".

Adria Harper
Senior Attorney

Enclosures

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 25-12.005 and 25-12.085 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 at the agency by [include address(es)/location(s)],

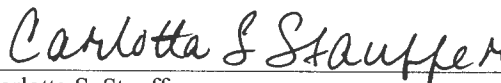
List of form numbers, form titles, and title of documents is provided below:

Pipeline and Hazardous Materials Safety Administration 2017 Regulations: 49 C.F.R. 191, 49 C.F.R. 192, and 49 C.F.R. 199;

Pipeline and Hazardous Materials Safety Administration 2015 Form: PHMSA F 7100.1-1; and

Pipeline and Hazardous Materials Safety Administration 2014 Form: PHMSA F 7100.2-1

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.



Carlotta S. Stauffer

Commission Clerk

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, February 06, 2017 8:20 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-12.005 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: 25-12.005

Reference Number: Ref-07920; Reference Name: Pipeline and Hazardous Materials Safety Administration
2017 Regulations: 49 C.F.R. 191

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, February 06, 2017 8:22 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-12.005 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: 25-12.005

Reference Number: Ref-07921; Reference Name: Pipeline and Hazardous Materials Safety Administration
2017 Regulations: C.F.R. 199

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, February 06, 2017 8:24 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-12.005 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: 25-12.005

Reference Number: Ref-07923; Reference Name: Pipeline and Hazardous Materials Safety Administration
2017 Regulations: C.F.R. 192

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, February 06, 2017 8:25 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-12.085 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: 25-12.085

Reference Number: Ref-07924; Reference Name: Pipeline and Hazardous Materials Safety Administration

2015 Form: PHMSA F 7100.1-1

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Monday, February 06, 2017 8:27 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-12.085 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: 25-12.085

Reference Number: Ref-07925; Reference Name: Pipeline and Hazardous Materials Safety Administration
2014 Form: PHMSA F 7100.2-1

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

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:

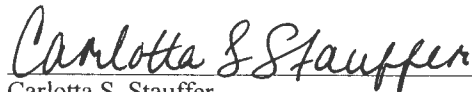
(1) That materials incorporated by reference in Rule 25-12.027 have been electronically filed with the Department of State.

(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 at the agency at the Office of the Commission Clerk, 2540 Shumard Oak Blvd., Suite 152, Tallahassee, FL 32399-0850.

Title of document below:

American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, 21st edition, September 2013

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.



Carlotta S. Stauffer

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.

25-12.005

25-12.008

25-12.022

25-12.027

25-12.040

25-12.085

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)

Carlotta S. Stauffer
CARLOTTA S. STAUFFER

Commission Clerk _____

Title _____

Number of Pages Certified 8

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 (2017) (2011), are adopted and incorporated by reference as part of these rules. 49 C.F.R. 191 (2017) (2011) may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07920>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01534>. 49 C.F.R. 192 (2017) (2011) may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07923>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01535>. 49 C.F.R. 199 (2017) (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 (2017) (2011) may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07921>

<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 will ~~may~~ 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 updated after July 1, 1970 in accordance with the Subparts J or K of 49 C.F.R. 192 (2017) (2011) as adopted in Rule 25-12.005, F.A.C.

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

(g) Determine areas of active corrosion as required by Subpart I of 49 C.F.R. 192 (2017) (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 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) 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 or 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 centerline of the road or highway, property line, or right-of-way may be used as one of the referenced structures. 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. Marking 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 sectionalizing or emergency 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.

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 ~~63~~, or section 12 for automatic welding, of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, ~~21st~~ 20th edition, ~~September 2013~~ ~~October 2005~~ including ~~Errata/Addendum July 2007 and Errata 2~~ (2008), incorporated by reference herein, or Appendix C of 49 C.F.R. 192 (2017) (2011) as adopted in Rule 25-12.005, F.A.C., within the preceding 15 months, but at least once each calendar year. A copy of API 1104 may be obtained at the Office of the Commission Clerk, 2540 Shumard Oak Blvd., Suite 152, Tallahassee, FL 32399-0850 or 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 ~~three (3)~~ calendar years at intervals not exceeding 39 months on bare metallic, galvanized steel, coated tubing pipelines, and ~~five (5)~~ calendar years at intervals not exceeding 63 months 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) ~~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, not to exceed 45 days, 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 (2015) (12-05), entitled "Annual Report for Calendar Year 20 ____ Gas Distribution System," which is incorporated by reference into this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07924> 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 (2014) (12-05), entitled "Annual Report for Calendar Year 20 ____ Natural and Other Gas Transmission and Gathering Pipeline Systems," which is incorporated by reference into this rule and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07925>.

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, _____.

SUMMARY OF THE RULES

Rule 25-12.005, F.A.C., implements Sections 368.03 and 368.05, F.S., and adopts the federal standards for reporting requirements on safety standards, and drug and alcohol employee reporting standards, and requirements for certain employees of gas pipeline operators and emergency response persons.

Rule 25-12.008, F.A.C., implements Sections 368.03 and 368.05, F.S., and adopts the federal standards related to visual inspection, testing and active corrosion procedures for gas utilities.

Rule 25-12.022, F.A.C., implements Section 368.05, F.S., and specifies the requirements for the closure of gas valves in an emergency and provides procedure for valve identification.

Rule 25-12.027, F.A.C., implements Section 366.03 and 368.05, F.S., which require American Petroleum Institute standards and federal standards for welder qualification.

Rule 25-12.040, F.A.C., implements Section 368.05, F.S., and provides the requirements for gas leak detection surveys, inspections, and monitoring.

Rule 25-12.085, F.A.C., implements Sections 366.03 and 368.05, F.S., provides the requirements for annual reporting of gas distribution systems and facilities .

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-12.005, F.A.C. implements the Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas as prescribed by Pipeline and Hazardous Materials Safety Administration (PHMSA) found in 49 C.F.R. Parts 191, 192, and 199. The amendments to Rule 25-12.005, F.A.C., adopt the latest version of the federal standards 49 C.F.R. Parts 191, 192, and 199 that pertain to reporting requirements, safety standards, and drug and alcohol employee reporting standards and requirements for employees of gas pipeline operators and emergency response persons under the direct authority or control of a gas utility or gas pipeline operator.

Rule 25-12.008, F.A.C., pertains to inspection of new, reconstructed, or converted pipeline facilities. The amendments to Rule 25-12.008, F.A.C., adopt the latest version of 49 C.F.R. Part 192 and clarify that there is no requirement of visual inspection of underground facilities if construction and testing records have been maintained, and clarify that active corrosion procedures are required by Subpart I of 49 C.F.R. Part 192.

Rule 25-12.022, F.A.C., provides the requirements for gas distribution system valves. The amendments to Rule 25-12.022, F.A.C., include the use of the word "emergency" in conjunction with the word "sectionalizing" in

subsections (3) and (5) of the rule. The intent of the recommended amendments is to clarify those valves used to close off system sections in an emergency. Additional modifications to Rule 25-12.022, F.A.C. are recommended in paragraph (3)(b), which would provide clarification that valve identification must be marked on permanent material inside the valve box.

Rule 25-12.027, F.A.C., provides the standards for welder qualification. The amendments to Rule 25-12.027, F.A.C., correct a scrivener's error in the current rule and clarify the appropriate American Petroleum Institute standards for welder qualification. The rule amendments would also adopt the latest version of the federal standard 49 C.F.R. Part 192 as it pertains to welder qualification.

Rule 25-12.040, F.A.C., provides the requirements for gas leak surveys, procedures, and classification. The amendments to Rule 25-12.040(1)(b), F.A.C., provide clarification regarding the intervals within which leak detection surveys are required. The Commission's amendments to Rule 25-12.040, F.A.C., also include new subsection (4). Under current Commission rules, gas utilities are required to perform follow-up inspections of leak repairs no later than one month for Grade 1 leaks and no later than six months for Grade 2 leaks. The new language included in subsection (4) would require that if residual gas is detected on the follow-up inspection, continued monthly monitoring and inspections shall be done until gas is no longer detected.

Rule 25-12.085, F.A.C., provides the requirement for annual written reports by gas distribution operators pursuant to PHMSA Forms 7100.1-1 and 7100.2-1. The amendments to subsections (1) and (3) of Rule 25-12.085, F.A.C., to incorporate the most recent versions of the appropriate PHMSA forms. Subsection (2) of Rule 25-12.085, F.A.C., is deleted because it is redundant of the other rule provisions.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

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