

STATE OF FLORIDA

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

Public Service Commission

February 28, 2023

Ms. Anya C. Owens
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250
RuleAdoptions@DOS.MyFlorida.com

Via E-Mail

Re: Rule Certification Packet for Rule(s)

Dear Ms. Owens:

Enclosed for filing is a complete rule certification packet for Rule 25-12.005, F.A.C., consisting of:

- (1) One copy of the coded text of the rule in Word version;
- (2) Copies of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically.
- (3) One copy of the signed rule certification form;
- (4) One copy of the signed designation of minor violation rule certification form required by Rule 1-1.010, F.A.C.;
- (5) One copy of the coded text of the rule, including the legal citations and history notes;
- (6) One copy of the summary of the rule;
- (7) One copy of the detailed written statement of the facts and circumstances justifying the rule; and
- (8) One copy of the summary of the hearings held on the rule.

Please let me know if you have any questions. The contact name and information for this rule are Jon Rubottom, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6191, jrubotto@psc.state.fl.us.

Sincerely,

/s/ Jon Rubottom

Jon Rubottom

Attorney

Enclosures

cc: Office of the Commission Clerk (Docket No. 20220182-GU)

Jon Rubottom

From: Carolyn Craig
Sent: Wednesday, February 15, 2023 1:49 PM
To: Jon Rubottom
Subject: FW: 25-12.005 Reference Material for Rule Adoption Approved

FYI

Carolyn Craig

Administrative Assistant III
Office of the General Counsel
Florida Public Service Commission
(850) 413-6206
ccraig@psc.state.fl.us

From: FL-Rules@dos.state.fl.us <FL-Rules@dos.state.fl.us>
Sent: Wednesday, February 15, 2023 1:30 PM
To: Carolyn Craig <CCraig@PSC.STATE.FL.US>
Cc: flrules@dos.state.fl.us
Subject: 25-12.005 Reference Material for Rule Adoption Approved

Dear ccraig:

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-15209; Reference Name: 49 C.F.R. Part 191

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

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Rule Number: 25-12.005

Reference Number: Ref-15210; Reference Name: 49 C.F.R. Part 192

Click [here](#) to log in.

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Florida Department of State

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Subject: 25-12.005 Reference Material for Rule Adoption Approved

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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-15211; Reference Name: 49 C.F.R. Part 199

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

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 ombudsman in the Executive Office of the Governor.

The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

25-12.005	
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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 Date: _____

(month) (day) (year)



Signature, Person Authorized to Certify Rules

Commission Clerk

Title

1

Number of Pages Certified

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, that materials incorporated by reference in Rule 25-12.005, F.A.C., have been:

(1) Filed through the Department of State's e-rulemaking website at www.flrules.org.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials as described in option (1) above, a true and complete copy of the incorporated materials has been provided to the Department of State as outlined in paragraph 1-1.013(5)(c), F.A.C. Copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].


List form number(s) and form title(s), or title of document(s) below:

49 C.F.R. Part 191 (October 1, 2021)

49 C.F.R. Part 192 (October 1, 2021)

49 C.F.R. Part 199 (October 1, 2021)

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.



Signature, Person Authorized to Certify Rules
Agency Clerk

Title

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rules covered by this certification:

Rule No. 25-12.005



Signature of Agency Head

Chairman, Florida Public Service Commission

Title

25-12.005 Codes and Standards Adopted.

The reporting requirements for operators of natural gas pipeline facilities and transportation of gas prescribed by the Pipeline and Hazardous Materials Safety Administration in 49 C.F.R. Part 191 (October 1, 2021 2018), are is adopted and incorporated by reference as part of these rules and may be accessed at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15209>

~~http://www.flrules.org/Gateway/reference.asp?No=Ref-10790.~~ The ~~m~~Minimum ~~f~~Federal ~~s~~Safety ~~s~~Standards for natural gas pipeline facilities and the transportation of natural gas prescribed by the Pipeline and Hazardous Materials Safety Administration in 49 C.F.R. Part 192 (October 1, 2021) Sections 192.121, 192.123, 192.143, 192.145, 192.149, 192.191, 192.204, 192.281, 192.283, 192.285, 192.3, 192.313, 192.321, 192.329, 192.367, 192.375, 192.376, 192.455, 192.513, 192.59, 192.720, 192.756, of 49 C.F.R. 192, as amended by 83 Federal Register 58716, November 20, 2018, are adopted and incorporated by reference as part of these rules and may be accessed at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15210>

~~http://www.flrules.org/Gateway/reference.asp?No=Ref-10792.~~ The ~~remaining sections of 49 C.F.R. 192, as of~~ October 1, 2018, are adopted and incorporated by reference as part of these rules and may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10794>. 49 C.F.R. 199 (October 1, 2018), “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 onsite construction of natural gas transporting pipeline facilities. The drug and alcohol testing requirements prescribed by the Pipeline and Hazardous Materials Safety Administration in 49 C.F.R. Part 199 (October 1, 2021 2018) are adopted and incorporated by reference as part of these rules and may be accessed at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15211>

~~http://www.flrules.org/Gateway/reference.asp?No=Ref-10791.~~ 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, 3-2-17, 7-10-19,_____.

SUMMARY OF THE RULE

Rule 25-12.005, F.A.C., implements federal safety standards and reporting requirements for pipeline facilities and transportation of natural gas. The rule incorporates by reference the federal regulations applicable to natural gas pipeline operators within the Commission's jurisdiction, as those regulations are found in 49 C.F.R. Parts 191, 192, and 199.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-12.005, F.A.C., is being amended to incorporate by reference the updated, 2021 version of 49 C.F.R. Parts 191, 192, and 199.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

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



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 28, 2023

Jon Rubottom
Attorney
Appeals, Rules, & Ethics Section
Office of the General Counsel
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Dear Jon Rubottom:

Your adoption package for Rule 25-12.005, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 9:27 a.m. on February 28, 2023. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is March 20, 2023.

Sincerely,

Anya C. Owens
Program Administrator
Florida Administrative Code and Register
Florida Department of State
R.A. Gray Building
Tallahassee, FL 32399

ACO/mas

Swain, Margaret A.

From: Jon Rubottom <JRubotto@psc.state.fl.us>
Sent: Tuesday, February 28, 2023 9:27 AM
To: RuleAdoptions
Cc: Samantha Cibula
Subject: Rule Certification Packet for Rule 25-12.005, F.A.C.
Attachments: 25-12.005 Rule Certification Packet.pdf; Rule 25-12.005 coded text for DOS.doc

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good morning:

Please see the rule certification materials for Rule 25-12.005, F.A.C. attached to this email. The PDF file contains the complete Rule Certification Packet, and the Word document is a copy of the coded text of the rule. I await your email confirming receipt of these documents.

Thank you,

Jon Rubottom

Attorney
Appeals, Rules & Ethics Section
Office of the General Counsel
Florida Public Service Commission
Email: JRubotto@psc.state.fl.us
Phone: (850) 413-6191



PLEASE NOTE: Florida has broad public records laws. Written communications to or from the Florida Public Service Commission may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.



Representative Tobin Rogers "Toby" Overdorf, Chair
Senator Blaise Ingoglia, Vice Chair
Senator Colleen Burton
Senator Erin Grall
Senator Rosalind Osgood
Senator Darryl Ervin Rouson
Representative Shane G. Abbott
Representative Kimberly Berfield
Representative Jervonte "Tae" Edmonds
Representative Alina Garcia
Representative Yvonne Hayes Hinson



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
japc@leg.state.fl.us

THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

CERTIFICATION

Department: Public Service Commission
Agency:
Rule No(s): 25-12.005
File Control No: 189352

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certifies that:

- There were no material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rule; or
The adopting agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rules; or
The adopting agency has not responded in writing to all material and timely written comments or written inquiries made on behalf of the Committee regarding the above listed rules.

Certification Date: 2/28/2023

This certification expires after: 3/7/2023

Certifying Attorney: Jamie Jackson

NOTE:

- The above certified rules include materials incorporated by reference.
The above certified rules do not include materials incorporated by reference.