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STATE OF FLORIDA



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

Public Service Commission

March 12, 2025

Kenneth J. Plante
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400
japc@leg.state.fl.us

**VIA EMAIL &
HAND DELIVERY**

Re: Docket No. 20250019-EU; Rules 25-6.034 and 25-6.0345, F.A.C.

Dear Mr. Plante:

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

1. A copy of the proposed rules.
2. A copy of all materials incorporated by reference in the proposed rule. The materials have been physically delivered in their original form due to federal copyright laws.
3. A copy of the F.A.R. notice.
4. A Statement of the facts and circumstances justifying the proposed rules.
5. A federal standards statement.
6. Statement of Estimated Regulatory Costs for the rules.

If there are any questions with respect to these rules, please do not hesitate to contact me at jrubotto@psc.state.fl.us, or at (850) 413-6191.

Sincerely,

A handwritten signature in black ink, appearing to read "JR", written over a horizontal line.

Jon Rubottom
Senior Attorney

Enclosures: See above
cc: Office of Commission Clerk

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25-6.034 Standard of Construction.

(1) The facilities of each utility shall be constructed, installed, maintained and operated in accordance with generally accepted engineering practices to assure, as far as is reasonably possible, continuity of service and uniformity in the quality of service furnished.

(2) For new construction, ~~e~~Each utility shall, at a minimum, comply with the National Electrical Safety Code (NESC) ~~[ANSI C-2] [NESC]~~, incorporated by reference in Rule 25-6.0345, F.A.C.

~~(a) For facilities constructed on or after February 1, 2007, the 2007 NESC shall apply. 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.~~

~~(b) 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, incorporated by reference in Rule 25-6.0345, F.A.C.~~

Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c), (f), (5), 366.05(1) FS. History—New 7-29-69, Amended 12-20-82, Formerly 25-6.34, Amended 2-1-07,
_____.

1 **25-6.0345 Safety Standards for Construction of New Transmission and Distribution**
2 **Facilities.**
3 The safety standards prescribed ~~Commission adopts and incorporates by reference~~ the 2023
4 2017 National Electrical Safety Code (NESC) C2-2023 ~~C2-2017~~, are adopted and
5 incorporated by reference into this rule as the applicable safety standards for transmission and
6 distribution facilities subject to the Commission’s ~~safety~~ jurisdiction. Each investor-owned
7 electric utility, rural electric cooperative, and municipal electric system shall, at a minimum,
8 comply with the standards in these provisions. The 2023 ~~2017~~ National Electrical Safety Code
9 (NESC) C2-2023 ~~C2-2017~~ is copyrighted and may be inspected and examined at no cost at the
10 Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida
11 32399-0850 or at the Department of State, 400 S. Monroe Street, Room 701, the Capitol,
12 Tallahassee, FL 32399. A copy of the NESC C2-2023 ~~C2-2017~~ may also be obtained from the
13 Institute of Electric and Electronic Engineers, Inc. (IEEE), 3 Park Avenue, New York, NY
14 10016-5997.
15 *Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2), (6) FS.*
16 *History—New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02, 2-1-07, 12-16-12, 7-27-*
17 *17,_____.*
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CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NOS.:RULE TITLES:

25-6.034Standard of Construction

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

PURPOSE AND EFFECT: To update and clarify the rules, and to incorporate by reference the most recent version of the National Electrical Safety Code (NESC). The NESC is also mentioned via cross-reference to Rule 25-6.0345 in Rule 25-18.020, Pole Safety, Inspection, Maintenance, and Vegetation Management, so the amendment of 25-6.0345 will affect Rule 25-18.020.

Docket No. 20250019-EU

SUMMARY: The rules incorporate and implement the NESC to regulate the construction and safety standards for electric utility facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The SERCs examined the factors required by Section 120.541(2), FS, and concluded that the rules will not have an adverse impact on economic growth, business competitiveness, or small business and that the rule is not likely to result in transactional costs to the individuals and entities, including government entities, required to comply with the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERCs.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1), F.S.

LAW IMPLEMENTED: 366.04(2), (2)(c), (f), (5), (6), 366.05(1), F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jon Rubottom, jrubotto@psc.state.fl.us, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6199.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.034 Standard of Construction.

(1) No change

(2) For new construction, eEach utility shall, at a minimum, comply with the National Electrical Safety Code (NESC) ~~[ANSI C 2]~~ [NESC], incorporated by reference in Rule 25-6.0345, F.A.C.

~~(a) For facilities constructed on or after February 1, 2007, the 2007 NESC shall apply. 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.~~

~~(b) 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, incorporated by reference in Rule 25-6.0345, F.A.C. Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c), (f), (5), 366.05(1) FS. History—New 7-29-69, Amended 12-20-82, Formerly 25-6.34, Amended 2-1-07,_____.~~

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

The ~~safety standards prescribed Commission adopts and incorporates by reference~~ the ~~2023 2017~~ National Electrical Safety Code (NESC) ~~C2-2023 C2-2017~~, are adopted and incorporated by reference into this rule as the applicable safety standards for transmission and distribution facilities subject to the Commission's ~~safety~~ jurisdiction. Each investor-owned electric utility, rural electric cooperative, and municipal electric system shall, at a minimum, comply with the standards in these provisions. The ~~2023 2017~~ National Electrical Safety Code (NESC) ~~C2-2023 C2-2017~~ is copyrighted and may be inspected and examined at no cost at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or at the Department of State, 400 S. Monroe Street, Room 701, the Capitol, Tallahassee, FL 32399. A copy of the NESC ~~C2-2023 C2-2017~~ may also be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE), 3 Park Avenue, New York, NY 10016-5997. *Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2), (6) FS. History—New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02, 2-1-07, 12-16-12, 7-27-17,_____.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Todd Brown

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 50, Number 181, September 16, 2024

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

The rules are being amended to incorporate by reference the most current version of the National Electric Safety Code (NESC) and to otherwise update the rule language for clarity and consistency.

STATEMENT ON FEDERAL STANDARDS

There are no federal standards for this rule.



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: October 30, 2024

TO: Jon Rubottom, Senior Attorney, Office of the General Counsel

FROM: Sevini K. Guffey, Public Utility Analyst IV, Division of Economics *SKG*

RE: Statement of Estimated Regulatory Costs (SERC) for Recommended Revisions to Rules 25-6.034, Standard of Construction and 25-6.0345, Safety Standards for Construction of New Transmission and Distribution Facilities, Florida Administrative Code (F.A.C.)

The purpose of this rulemaking initiative is to update Commission Rules 25-6.034, Standard of Construction and 25-6.0345, Safety Standards for Construction of New Transmission and Distribution Facilities, F.A.C. The recommended update is to incorporate by reference the most current version of the National Electric Safety Code (NESC) – 2023 edition. The recommended rule changes would set forth the most current version of the NESC as the governing safety standards for new construction of electrical transmission and distribution systems. As noted in the attached SERC, 57 electric utilities would be affected by the recommended revisions.

The NESC is published by the Institute of Electrical and Electronics Engineers (IEEE) as Standard C2 and is revised every five years to keep it up to date and viable. The NESC standards are applicable to the systems and equipment operated by utilities. The NESC covers basic provisions for safeguarding of persons from hazards arising from the installation, operation, or maintenance of electric supply stations, overhead supply and communications lines, and underground or buried supply and communication cables. It also includes work rules for the operation of electric supply and communication lines and equipment.¹

The attached SERC addresses the considerations required pursuant to Section 120.541, Florida Statutes (F.S.). No workshop was requested in conjunction with the recommended rule revisions. No regulatory alternatives were submitted pursuant to paragraph 120.541(1)(a), F.S. None of the impact/cost criteria established in paragraph 120.541(2)(a), F.S., will be exceeded as a result of the recommended revisions.

cc: SERC File

¹ IEEE Standards Association, 2023 NESC brochure: <https://ieeexplore.ieee.org/document/9825487>

FLORIDA PUBLIC SERVICE COMMISSION
STATEMENT OF ESTIMATED REGULATORY COSTS
Rule 25-6.034, F.A.C., Standard of Construction

1. Will the proposed rule have an adverse impact on small business? [120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is “yes”, see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is “yes”, a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)1, F.S.]

Economic growth Yes No

Private-sector job creation or employment Yes No

Private-sector investment Yes No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes No

Productivity Yes No

Innovation Yes No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis: A summary of the key rule changes is included in the attached memorandum to counsel. Specific elements of the associated economic analysis are identified below in Sections B through F of this SERC.

The purpose of the recommended revision to Rule 25-6.034, F.A.C., pertaining to standards of construction is to clarify that for new construction, each utility, at a minimum shall comply with the National Electrical Safety Code (NESC), which is incorporated by reference in Rule 25-6.0345, F.A.C.

As indicated in Section D., below, the amendment to Commission rule being recommended at this time are not anticipated to result in significant additional transactional costs. Therefore, none of the rule impact/cost criteria established in paragraph 120.541(2)(a), F.S., will be exceeded as a result of the recommended rule revisions.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

Potentially affected entities include 57 electric utilities. Utilities which come under the jurisdiction of the Commission in the future also would be required to comply.

(2) A general description of the types of individuals likely to be affected by the rule.

Florida's 57 electric utilities are comprised of 4 investor-owned utilities, 35 municipally-owned electric utilities, and 18 rural electric cooperatives. Florida's 4 investor-owned electric utilities serve approximately 8.6 million customers.

[Sources: (1) Master Commission Directory, PSC - October 2024; (2) Facts and Figures of the Florida Utility Industry, PSC - April 2024]

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule. [120.541(2)(d), F.S.]

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

E. An analysis of the impact on small businesses, and small counties and small cities: [120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a)

certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business. [See clarification below]
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

Based on a review of investor-owned electric utility annual reports, staff believes that none of the four Florida investor-owned electric utilities would be likely to meet the definition of “small business” as defined in Section 288.703, F.S. The numbers of rural electric cooperatives and independent wholesale power generation and distribution companies, if any, that potentially might meet the definition of “small business” as defined in Section 288.703, F.S., are difficult to estimate. Additional transactional costs, if any, which potentially might result from the recommended rule changes, are discussed in Section D above

(2) A “Small City” is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A “small county” is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- No impact on small cities or small counties.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful. [120.541(2)(f), F.S.]

- None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

- No regulatory alternatives were submitted.

A regulatory alternative was received from

Adopted in its entirety.

Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.

FLORIDA PUBLIC SERVICE COMMISSION
STATEMENT OF ESTIMATED REGULATORY COSTS
**Rule 25-6.0345, F.A.C., Safety Standards for Construction of New Transmission
and Distribution Facilities**

1. Will the proposed rule have an adverse impact on small business? [120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is “yes”, see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is “yes”, a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)1, F.S.]

Economic growth Yes No

Private-sector job creation or employment Yes No

Private-sector investment Yes No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes No

Productivity Yes No

Innovation Yes No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis: A summary of the key rule changes is included in the attached memorandum to counsel. Specific elements of the associated economic analysis are identified below in Sections B through F of this SERC.

The purpose of the recommended revision to Rule 25-6.0345, F.A.C., pertaining to safety standards for construction of electric utility facilities is to update the rule with the most recent National Electric Safety Code (NESC), C2-2023 edition (supersedes C2-2017), which is incorporated by reference into Rule 25-6.0345, F.A.C. The NESC is published by the Institute of Electrical and Electronics Engineers (IEEE) as Standard C2 and is revised every five years to keep it up to date and viable. The Commission amends rule 25-6.0345, F.A.C., each time IEEE publishes a new version of the NESC. This rule change would set forth the most current version of the NESC as the governing safety standards for new construction of electrical transmission and distribution systems.

As indicated in Section D., below, the amendment to Commission rule being recommended at this time are not anticipated to result in significant additional transactional costs. Therefore, none of the rule impact/cost criteria established in paragraph 120.541(2)(a), F.S., will be exceeded as a result of the recommended rule revisions.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

Potentially affected entities include 57 electric utilities. Utilities which come under the jurisdiction of the Commission in the future also would be required to comply.

(2) A general description of the types of individuals likely to be affected by the rule.

Florida's 57 electric utilities are comprised of 4 investor-owned utilities, 35 municipally-owned electric utilities, and 18 rural electric cooperatives. Florida's 4 investor-owned electric utilities serve approximately 8.6 million customers.

[Sources: (1) Master Commission Directory, PSC - October 2024; (2) Facts and Figures of the Florida Utility Industry, PSC - April 2024]

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

- None. To be done with the current workload and existing staff.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule. [120.541(2)(d), F.S.]

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

E. An analysis of the impact on small businesses, and small counties and small cities: [120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

No adverse impact on small business. [See clarification below]

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

Based on a review of investor-owned electric utility annual reports, staff believes that none of the four Florida investor-owned electric utilities would be likely to meet the definition of "small business" as defined in Section 288.703, F.S. The numbers of rural electric cooperatives and independent wholesale power generation and distribution companies, if any, that potentially might meet the definition of "small business" as defined in Section 288.703, F.S., are difficult to estimate. Sections 366.04(6)(b) and 366.05(1)(a), F.S., directs the Commission to adopt the new version of the NESC, and any incremental increase in transactional costs is therefore resulting from the statute.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

No impact on small cities or small counties.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful. [120.541(2)(f), F.S.]

None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

No regulatory alternatives were submitted.

A regulatory alternative was received from

Adopted in its entirety.

Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.