

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 7, 2017
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Pamela H. Page, Senior Attorney , Office of the General Counsel
RE: Docket No 170034-EI.

RECEIVED-FPSC
2017 JUL -7 PM 1:23
COMMISSION
CLERK

Please file the attached rule certification packet materials for Rule 25-6.0345, F.A.C., in the docket file listed above.

Thank you.

Attachment

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

STATE OF FLORIDA



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

Public Service Commission

July 7, 2017

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

VIA HAND DELIVERY

FILED
017 JUL -7 AM 11:11
OFFICE OF THE GENERAL COUNSEL
TALLAHASSEE, FLORIDA

Re: Rule Certification Packet for Rule 25-6.0345, F.A.C.

Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rule 25-6.0345, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rule;
- (2) One original certified copy of the materials incorporated by reference in accordance with Rule 1B-30.005, F.A.C.;
- (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.

Rule 25-6.0345, F.A.C., is a rule for which a violation of the rule would be a major violation and will continue to be a major violation. The rule is not on the Commission's list of rules designated as minor violations pursuant to Section 120.695(2), Florida Statutes.

Please let me know if you have any questions. The contact name and information for this rule are Pamela H. Page, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6214, phpage@psc.state.fl.us.

Sincerely,


Pamela H. Page
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 Rule _____ 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 contacting the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

List title of document below:

2017 National Electrical Safety Code (NESC) C2-2017

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

Carlotta S. Stauffer

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.

(4) It is further certified that this rule is designated as a rule the violation of which would be a minor violation pursuant to Section 120.695, F.S.

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 No.

25-6.0345

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 _____

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

The Commission adopts and incorporates by reference the 2017 ~~2012 edition of the~~ National Electrical Safety Code (NESC) C2-2017 ~~ANSI C-2 [NESC]~~, 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 2017 National Electrical Safety Code (NESC) 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. A copy of the NESC C2-2017 may 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, _____.

SUMMARY OF THE RULE

The National Electrical Safety Code (NESC) sets forth the safety standards to be used by electric utilities when constructing transmission and distribution systems. The NESC establishes the ground rules and guidelines for the practical safeguarding of utility workers and the public during the installation, operation, and maintenance of electric supply, communication lines and associated equipment. The rule has been updated to incorporate by reference the 2017 edition of the NESC.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The NESC was introduced in 1914 as the product of a congressional mandate to investigate the hazards of electrical work, contemporary engineering theory and generally accepted good industry practices. The NESC is revised every five years so that it is up to date with changes in industry and technology. The 2017 edition of NESC was recently published.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

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