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STATE OF FLORIDA



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

Public Service Commission

May 13, 2020

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

VIA EMAIL AND US MAIL

FILED
2020 MAY 13 PM 3:16
OFFICE OF THE GENERAL COUNSEL
STATE OF FLORIDA

Re: Rule Certification Packet for Rule 25-6.0342, F.A.C., Electric Infrastructure Storm Hardening.

Dear Mr. Reddick:

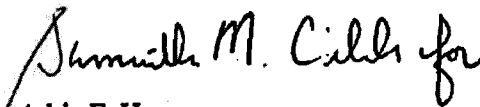
Enclosed for filing is a complete rule certification packet for Rule 25-6.0342, F.A.C., consisting of:

- (1) One copy of the coded text of the rule in Word version sent as an email attachment;
- (2) There are no materials incorporated by reference into this rule.
- (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.

RECEIVED-FPSC
2020 MAY 14 PM 12:02
COMMISSION CLERK

Please let me know if you have any questions. The contact name and information for this rule is 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 E. Harper". The signature is written in a cursive style with a large initial 'A' and a stylized 'H'.

Adria E. Harper
Senior Attorney

Enclosures

cc: Commission Clerk

**CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE**

FILED
2020 MAY 13 PM 3:15
FLORIDA 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.

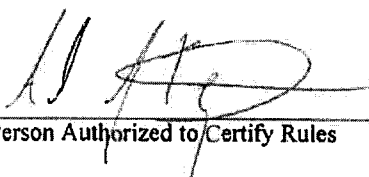
Attached is each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule N^os.

25-6.0342

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: _____



Person Authorized to Certify Rules
Commission Clerk

Title
3

Number of Pages Certified

**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.:

Rule No(s).

25-6.0342

Rules covered by this certification:

Rule No(s).

25-6.0342



Signature of Agency Head

Chairman, Florida Public Service Commission
Title

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2020 MAY 13 PM 3:16
FLORIDA PUBLIC SERVICE COMMISSION

25-6.0342 Electric Infrastructure Storm Hardening.

(1) **Application and Scope.** This rule is intended to ensure the provision of safe, adequate, and reliable electric transmission and distribution service for operational as well as emergency purposes; require the cost-effective strengthening of critical electric infrastructure to increase the ability of transmission and distribution facilities to withstand extreme weather conditions; and reduce restoration costs and outage times to end-use customers associated with extreme weather conditions. This rule applies to all investor-owned electric utilities.

(2) **Storm Hardening Plans.** Each utility shall, no later than 90 days after the effective date of this rule, file with the Commission for its approval a detailed storm hardening plan. Each utility's plan shall be updated every 3 years, unless the Commission, on its own motion or on petition by a substantially affected person or utility, initiates a proceeding to review and, if appropriate, modify the plans. In a proceeding to approve a utility's plan, the Commission shall consider whether the utility's plan meets the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner to the affected parties.

(3) **Contents of Plan:** Each utility storm hardening plan shall contain a detailed description of the construction standards, policies, practices, and procedures employed to enhance the reliability of overhead and underground electrical transmission and distribution facilities in conformance with the provisions of this rule. Each filing shall, at a minimum, address the extent to which the utility's storm hardening plan:

(a) Complies, at a minimum, with the National Electric Safety Code (ANSI C-2) [NESC] that is applicable pursuant to subsection 25-6.0345(2), F.A.C.

(b) Adopts the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC for the following distribution facilities:

1. New construction;
2. Major planned work, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule; and
3. Critical infrastructure facilities and along major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations.

(c) Is designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges.

(d) Provides for the placement of new and replacement distribution facilities so as to facilitate safe and efficient

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TALLAHASSEE
FLORIDA

access for installation and maintenance pursuant to Rule 25- 6.0341, F.A.C.

(4) **Deployment Strategy:** Each utility storm hardening plan shall explain the systematic approach the utility will follow to achieve the desired objectives of enhancing reliability and reducing restoration costs and outage times associated with extreme weather events. The utility's storm hardening plan shall provide a detailed description of its deployment strategy including, but not limited to the following:

(a) A description of the facilities affected; including technical design specifications, construction standards, and construction methodologies employed.

(b) The communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and along major thoroughfares pursuant to subparagraph (3)(b)3. are to be made.

(c) The extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exist.

(d) An estimate of the costs and benefits to the utility of making the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages.

(e) An estimate of the costs and benefits, obtained pursuant to subsection (6) below, to third-party attachers affected by the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages realized by the third-party attachers.

(5) **Attachment Standards and Procedures:** As part of its storm hardening plan, each utility shall maintain written safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles (Attachment Standards and Procedures). The Attachment Standards and Procedures shall meet or exceed the edition of the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to Rule 25-6.034, F.A.C. so as to assure, as far as is reasonably practicable, that third-party facilities attached to electric transmission and distribution poles do not impair electric safety, adequacy, or pole reliability; do not exceed pole loading capacity; and are constructed, installed, maintained, and operated in accordance with generally accepted engineering practices for the utility's service territory.

(6) **Input from Third-Party Attachers:** In establishing its storm hardening plan and Attachment Standards and Procedures, or when updating or modifying such plan or Attachment Standards and Procedures, each utility shall seek input from and attempt in good faith to accommodate concerns raised by other entities with existing agreements

to share the use of its electric facilities. Any third-party attacher that wishes to provide input under this subsection shall provide the utility contact information for the person designated to receive communications from the utility.

(7) **Dispute Resolution:** Any dispute or challenge to a utility's storm hardening plan, construction standards, deployment strategy, Attachment Standards and Procedures, or any projects implementing any of the above by a customer, applicant for service, or attaching entity shall be resolved by the Commission.

(8) Nothing in this rule is intended to conflict with Title 47, United States Code, Section 224, relating to Federal Communications Commission jurisdiction over pole attachments.

*Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c), (5), (6), 366.05(1) FS. History—
New 2-1-07, Repealed _____.*

25-6.0342 Electric Infrastructure Storm Hardening.

*Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c), (5), (6), 366.05(1) FS. History—
New 2-1-07, Repealed _____.*

SUMMARY OF THE RULE

Rule 25-6.0342, F.A.C., Electric Infrastructure Storm Hardening, applies to electric utilities and requires the utilities to have cost-effective plans to strengthen critical infrastructure to increase the ability of transmission and distribution facilities to withstand extreme weather conditions. The rule requires the plans be filed every three years.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

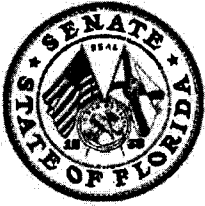
Pursuant to the passage of Section 366.96, F.S., the Commission adopted a new rule for storm protection plans. Rule 25-6.0342, F.A.C., is being repealed because it is duplicative of the Commission's new rule and no longer necessary.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

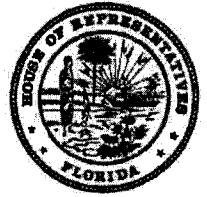
No timely request for a hearing was received by the agency, and no hearing was held.

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2020 MAY 13 PM 3:17
REGISTRATION UNIT
FLORIDA

BILL GALVANO
President



JOSE R. OLIVA
Speaker



THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

Senator Linda Stewart, Chair
Representative Erin Grall, Vice Chair
Senator Janet Cruz
Senator Ed Hooper
Senator Keith Perry
Senator Tom A. Wright
Representative Vance Arthur Aloupis, Jr.
Representative Tommy Gregory
Representative Cindy Polo
Representative Holly Raschein
Representative Jason Shoaf
Representative Clovis Watson, Jr.

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

CERTIFICATION

Department: Public Service Commission
Agency:
Rule No(s): 25-6.0342
File Control No: 181504

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2020 MAY 13 PM 3:16
LEGISLATIVE SECRETARIAT
TALLAHASSEE, FLORIDA

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certify 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: 5/13/2020

This certification expires after: 5/20/2020

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.

Julie Phillips

From: Administrative Code <AdministrativeCode@DOS.MyFlorida.com>
Sent: Wednesday, May 13, 2020 3:21 PM
To: Julie Phillips
Cc: Samantha Cibula
Subject: RE: Rule Certification packet for Rule 25-6.0342, F.A.C.
Attachments: 25-6.0342.pdf

Thank you Julie! Please see the attached filed copy of rule 25-6.0342.

Best,

Anya Grosenbaugh

Government Operations Consultant III
Florida Administrative Code and Register
Room 701, The Capitol | Tallahassee, Florida
850.245.6271

From: Julie Phillips [mailto:JPhillip@PSC.STATE.FL.US]
Sent: Wednesday, May 13, 2020 2:32 PM
To: Administrative Code <AdministrativeCode@DOS.MyFlorida.com>
Cc: Samantha Cibula <SCibula@PSC.STATE.FL.US>
Subject: RE: Rule Certification packet for Rule 25-6.0342, F.A.C.

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

Anya - the corrected minor violations certification is attached here. Let me know if there are any other issues.

Thanks again.

From: Administrative Code [mailto:AdministrativeCode@DOS.MyFlorida.com]
Sent: Wednesday, May 13, 2020 2:28 PM
To: Julie Phillips
Cc: Samantha Cibula
Subject: RE: Rule Certification packet for Rule 25-6.0342, F.A.C.

Hi Julie,

That is no problem- you can just scan the minor violation certification itself and I will swap it out in the rule packet that was submitted earlier.

Best,

Anya Grosenbaugh

Government Operations Consultant III
Florida Administrative Code and Register
Room 701, The Capitol | Tallahassee, Florida
850.245.6271

From: Julie Phillips [mailto:JPhillip@PSC.STATE.FL.US]
Sent: Wednesday, May 13, 2020 1:51 PM
To: Administrative Code <AdministrativeCode@DOS.MyFlorida.com>
Cc: Samantha Cibula <SCibula@PSC.STATE.FL.US>
Subject: RE: Rule Certification packet for Rule 25-6.0342, F.A.C.

EMAIL RECEIVED FROM EXTERNAL SOURCE

Anya,

I've added the number under the ticked option and am waiting for the signature to the certification. If the certification is signed today, will the whole packet need to be rescanned and resubmitted in its entirety? Or, can the PDF of the signed Minor Violations certification be sent separately as a single document?

Many thanks.

From: Administrative Code [mailto:AdministrativeCode@DOS.MyFlorida.com]
Sent: Wednesday, May 13, 2020 12:04 PM
To: Julie Phillips
Cc: Samantha Cibula; Adria Harper
Subject: RE: Rule Certification packet for Rule 25-6.0342, F.A.C.

Hi Julie,

I meant the minor violation certification wasn't filled out correctly.

Best,

Anya Grosenbaugh

Government Operations Consultant III
Florida Administrative Code and Register
Room 701, The Capitol | Tallahassee, Florida
850.245.6271

From: Julie Phillips [mailto:JPhillip@PSC.STATE.FL.US]
Sent: Wednesday, May 13, 2020 11:41 AM

To: Administrative Code <AdministrativeCode@DOS.MyFlorida.com>
Cc: Samantha Cibula <SCibula@PSC.STATE.FL.US>; Adria Harper <aharper@psc.state.fl.us>
Subject: RE: Rule Certification packet for Rule 25-6.0342, F.A.C.

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Anya,

This is a rule repeal and this is how I thought it was supposed to be filled out.

Thanks,

Julie

From: Administrative Code [<mailto:AdministrativeCode@DOS.MyFlorida.com>]
Sent: Wednesday, May 13, 2020 11:31 AM
To: Julie Phillips
Cc: Adria Harper; Samantha Cibula
Subject: RE: Rule Certification packet for Rule 25-6.0342, F.A.C.

Hi Julie,

I have a question about the minor violation certification for this rule. Did you intend to mark that it was a minor violation? If so, it should be typed out in that section. But I wasn't sure if you intended to mark that it wasn't a minor violation. Please let me know.

Best,

Anya Grosenbaugh
Government Operations Consultant III
Florida Administrative Code and Register
Room 701, The Capitol | Tallahassee, Florida
850.245.6271

From: Julie Phillips [<mailto:JPhillip@PSC.STATE.FL.US>]
Sent: Wednesday, May 13, 2020 8:07 AM
To: Administrative Code <AdministrativeCode@DOS.MyFlorida.com>
Cc: Adria Harper <aharper@psc.state.fl.us>; Samantha Cibula <SCibula@PSC.STATE.FL.US>; Julie Phillips <JPhillip@PSC.STATE.FL.US>
Subject: Rule Certification packet for Rule 25-6.0342, F.A.C.

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

The Rule Certification Packet for Rule 25-6.0342, F.A.C., with attachments of the PDF of the entire packet, along with the Word version of the coded text of the rule.

We await your confirmation email.

Thank you

Julie Phillips
Office of the General Counsel
Florida Public Service Commission
850.413.6084