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February 10, 2012

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COMMISSION
CLERK

Ms. Kathryn G. W. Cowdery
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

110313-PU

Re: Tampa Electric Company's Comments on Proposed Revisions to Rules 25-6.019 (Notification of Accidents); 25-6.0345 (Safety Standards for Construction of New Transmission and Distribution Facilities); and 25-6.060 (Meter Test - Referee)

Post Rule Workshop Comments

Dear Ms. Cowdery:

Tampa Electric appreciated the opportunity to explain its proposed edits to the above three rule amendment proposals at the Commission's January 19, 2012 rule workshop. The company reiterates the suggested changes described in our earlier letter of January 13, 2012. For your convenience I enclose Tampa Electric's type and strike rule edits that accompanied that letter. As we indicated during the workshop, Tampa Electric concurs with the bulk of the substantive changes Staff has proposed. The company's primary input is more toward getting the rule provisions reformatted in a way that makes the individual provisions easier to locate and abide by. The limited substantive changes we have proposed are primarily designed to clarify the rules.

During the workshop you inquired about the provision we included as subsection (4) of Rule 25-6.019, Florida Administrative Code, which is the rule on reporting accidents. Our proposed subsection (4) read as follows:

(4) Reporting an event in compliance with this rule shall not constitute or be construed to effect any admission of fault or liability on the part of the reporting utility.

This subsection (4) is intended to make clear the Commission's intent that reports submitted pursuant to the rule by the utilities are not considered by the Commission to constitute any type

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of admission of fault or liability by the utility making the report. Instead, they are required in order to provide the Commission with information. A similar clarification is contained in existing Rule 25-6.0345, Florida Administrative Code, which in subsection (5) states that accident reports required under that rule are reported "(without admitting liability)" on the part of the reporting utility. These types of clarifications encourage prompt reporting by the utilities of events giving rise to injuries or damages by removing any chilling effect on reporting that might otherwise exist without the clarification.

The other point we wanted to make has to do with Tamp Electric's proposed edits to Rule 25-6.060, Florida Administrative Code, having to do with meter test – refereed disputes. The company proposes including language similar to that contained in existing Rule 25-6.059, Florida Administrative Code, which addresses meter testing by the utility not refereed by a Commission representative. The company's addition to Rule 25-6.060 is proposed to put that rule in parity with non-refereed tests under Rule 25-6.059. After the inclusion of the company's proposed language, the following summarizes how the two rules would operate:

25-6.059 Meter Test by Request (Non-Refereed)

- At the customer's request, one free test per year by the utility
- \$100 deposit (possibly refundable depending on test outcome) is required if the customer requests testing more often than once per year
- Independent test by a third party is available at customer's option and expense

25-6.060 Meter Test – Refereed Dispute

- Upon customer's request to PSC a meter will be tested with PSC referee witnessing once per year without charge (this is an additional one free test for that same customer on top of the one free test provided for under Rule 25-6.059)
- More often than once per year – customer has the option of paying for additional refereed tests, conducted by an independent third party, such test also conducted with PSC referee witness

Both of the above rules, working together, afford a customer meter testing first by the utility alone, or later refereed by the Commission, for free before the customer faces any possible charges for meter testing.

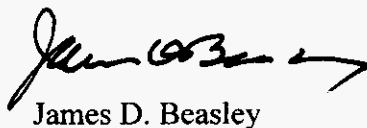
Finally, we enclose a copy of the portion of *Section 013. Application of the 2012 National Electric Safety Code* which explains that the code edition applicable to a particular

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installation is the code in effect when the installation is made or extended. This obviates the need for Rule 25-6.0345, Florida Administrative Code, to refer to any NESC edition other than the 2012 edition within the body of the rule. The 2012 NESC was published on August 1, 2011 and will become effective on February 1, 2012. Tampa Electric purchased copies of the new code last year and distributed them to appropriate departments in Energy Delivery.

Thank you again for conducting the January 19 workshop. Tampa Electric appreciates the Staff's consideration of the company's comments and suggested edits.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Beasley", with a stylized flourish at the end.

James D. Beasley

JDB/pp
Enclosures

cc: Ann Cole, Director ✓
Office of Commission Clerk (w/enclosures)
Office of Public Counsel (w/enclosures)

25-6.019 Notification of Certain Events Involving Electrical Systems, Accidents.

(1) As soon as practicable after learning of same, each investor owned electric utility, rural electric cooperative and municipal electric utility shall notify the Commission of any event involving accident occurring in connection with any part of the its electrical system which:

- (a) ~~Involves~~ Results in death or injury requiring hospitalization of non-utility persons, or
- (b) Is significant from a safety standpoint in the judgment of the utility even though it is not required by paragraph (a).

(2) Each investor owned electric utility, rural electric cooperative and municipal electric utility shall report to the Commission within 30 days after learning of same, any event of any malfunction of or accident involving any part of the electrical system, fire, or explosion, that:

- (a) ~~Involves~~ Results in damage to the property of others for an amount in excess of \$10,000~~5000~~, or,
- (b) Causes significant damage, in the judgment of the utility, to the utility's facilities.

(3) Reports are not required with respect to personal injury, death, or property damage resulting from vehicular equipment striking poles and/or other utility property.

(4) Reporting an event in compliance with this rule shall not constitute or be construed to effect any admission of fault or liability on the part of the reporting utility.

Specific Authority 366.05(1) FS. Law Implemented 366.04(2)(f), 366.05(1) FS. History—New 7-29-69, Amended 4-13-80, Formerly 25-6.19.

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

(1) The Commission adopts and incorporates by reference the 20022012 edition of the National Electrical Safety Code (ANSI C-2) [NESC], as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. For electrical facilities constructed on or after February 1, 2007, the 2007 NESC shall apply. Electrical 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. Each investor-owned electric utility, rural electric cooperative, and municipal electric system shall, at a minimum, comply with the standards in these provisions. A copy of the 2007referenced 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.
Specific Authority 350.127(2) FS. Law Implemented 366.04(2)(f), (6) FS. History—New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02, 2-1-07.

25-6.0346 Quarterly Reports of Work Orders and Safety Compliance.

(1)(2) Each investor-owned electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders relating to new transmission and distribution facilities, whether completed by the utility or one of its contractors, at the end of each quarter of the year. The report shall be filed with the Director of the Commission's Division of Regulatory Compliance and Consumer Assistance no later than the 30th working day after the last day of the reporting quarter, and shall contain, at a minimum, the following information for each work order:

- (a) Work order number/project/job;
- (b) Brief title outlining the general nature of the work;
- (c) Estimated cost in dollars, rounded to nearest thousand and;
- (d) Location of project.

(2)(3) The quarterly report shall be filed electronically in standard DBase or compatible format, DOS ASCII text, or hard copy, as follows:

(a) DBase Format

Field Name	Field Type	Digits
1. Work orders	Character	20
2. Brief title	Character	30
3. Cost	Numeric	8
4. Location	Character	50

(b) DOS ASCII Text.

- 1. Columns shall be the same type and in the same order as listed under Field Names above.
- 2. A comma (,) shall be placed between data fields.
- 3. Character data fields shall be placed between quotation marks ("...").
- 4. Numeric data fields shall be right justified.
- 5. Blank spaces shall be used to fill the data fields to the indicated number of digits.

(c) Hard Copy.

The following format is preferred, but not required:
 Completed Electrical Work Orders For PSC Inspection

Work Order	Brief Title	Estimated Cost	Location

(3)(4) In its quarterly report, each utility shall identify all transmission and distribution facilities subject to the Commission's safety jurisdiction, and shall certify to the Commission that they meet or exceed the applicable standards. Compliance inspections by the Commission shall be made on a random basis or as appropriate.

~~(5) As soon as practicable, but by the end of the next business day after it learns of the occurrence, each investor owned electric utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report to the Commission any accident occurring in connection with any part of its transmission or distribution facilities which:~~

~~(a) Involves death or injury requiring hospitalization of nonutility persons; or~~

~~(b) Is significant from a safety standpoint in the judgment of the utility even though it is not required by subsection (a).~~

~~(6) Each investor owned electric utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report each accident or malfunction, occurring in connection with any part of its transmission or distribution facilities, to the Commission within 30 days after it learns of the occurrence, provided the accident or malfunction:~~

~~(a) Involves damage to the property of others in an amount in excess of \$5000; or~~

~~(b) Causes significant damage in the judgment of the utility to the utility's facilities.~~

~~(7) Unless requested by the Commission, reports are not required with respect to personal injury, death, or property damage resulting from vehicles striking poles or other utility property.~~

Specific Authority 350.127(2) FS. Law Implemented 366.04(2)(f), (6) FS. History—New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02, 2-1-07.

25-6.060 Meter Test — Refereed Dispute.

(1) In the event of a dispute, upon written ~~application request~~ to the Commission by any customer, a test of the customer's meter will be made by the utility as soon as practicable. The test will be made without charge, provided that the meter has not been tested under the supervision of a Commission representative within twelve (12) months previous to such request. If the meter has been tested under dispute during the previous twelve (12) months, the customer shall have the option of having the meter tested by an independent meter testing facility under FAC 25-6.059(4). Said test will be supervised and witnessed by a representative of the Commission.

(2) A meter shall in no way be disturbed after the utility has received notice that application has been made for such referee test unless a representative of the Commission is present or unless authority to do so is first given in writing by the Commission or by the customer.

(3) A report of the results of the test will be made by the Commission to the customer.

(4) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Formerly 25-6.60, Amended 7-3-06.

2. Utilities operating under the NESC are required to maintain control over the system up to the service point to assure that:
 - a. The system is engineered to meet the requirements of expected conditions, and
 - b. The personnel installing, maintaining, and operating the system and its components are qualified to do so, are adequately supervised, follow accepted engineering practices, and use appropriate tools and safe work procedures.

012. General rules

- A. All electric supply and communication lines and equipment shall be designed, constructed, operated, and maintained to meet the requirements of these rules.
- B. The utilities, authorized contractors, or other entities, as applicable, performing design, construction, operation, or maintenance tasks for electric supply or communication lines or equipment covered by this Code shall be responsible for meeting applicable requirements.
- C. For all particulars not specified in these rules, construction and maintenance should be done in accordance with accepted good practice for the given local conditions known at the time by those responsible for the construction or maintenance of the communication or supply lines and equipment.

013. Application

A. New installations and extensions

1. These rules shall apply to all new installations and extensions, except that they may be waived or modified by the administrative authority. When so waived or modified, safety shall be provided in other ways.

EXAMPLE: Alternative working methods, such as the use of barricades, guards, or other electrical protective equipment, may be implemented along with appropriate alternative working clearances as a means of providing safety when working near energized conductors.

2. Types of construction and methods of installation other than those specified in the rules may be used experimentally to obtain information if:
 - a. Qualified supervision is provided,
 - b. Equivalent safety is provided, and
 - c. On joint use facilities, all affected joint users are notified in a timely manner.

B. Existing installations

1. Where an existing installation meets, or is altered to meet, these rules, such installation is considered to be in compliance with this edition and is not required to comply with any previous edition.
2. Existing installations, including maintenance replacements, that currently comply with prior editions of the Code, need not be modified to comply with these rules.

EXCEPTION 1: For safety reasons, the administrative authority may require compliance with these rules.

EXCEPTION 2: When a structure is replaced, the current requirements of Rule 238C shall be met, if applicable.

3. Where conductors or equipment are added, altered, or replaced on an existing structure, the structure or the facilities on the structure need not be modified or replaced if the resulting installation will be in compliance with either (a) the rules that were in effect at the time of the original installation, or (b) the rules in effect in a subsequent edition to which the installation has been previously brought into compliance, or (c) the rules of this edition in accordance with Rule 13B1.