

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

DATE: July 5, 2012

TO: Office of Commission Clerk (Cole)

FROM: Office of the General Counsel (Cowdery)
Division of Economics (McNulty, Stallcup)
Division of Engineering (Black, Moses, Trotter)

Handwritten signatures and initials: K B.M.L., W.M., C.P.O.B., R.H., A.C.T., and a circled 'D'.

RE: Docket No. 110313-PU – In re: Initiation of Rulemaking to Adopt Rule 25-6.0346, and to Amend Rules 25-6.019, 25-6.0345, 25-6.060, 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C.

AGENDA: 07/17/12 – Regular Agenda – Rule Proposal – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Edgar

RULE STATUS: Proposal May Be Deferred

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\110313.RCM.DOC

Case Background

On November 11, 2011, Notices of Development of Rulemaking were published in the Florida Administrative Weekly for Rules 25-6.019, 25-6.0345, 25-6.060, 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, Florida Administrative Code (F.A.C.). These rules address use, location, testing, sealing, and reading of gas meters; measuring customer service; natural gas pipeline codes, standards, and requirements; and welder qualifications. Upon request, a staff rule development workshop was held on January 19, 2012. Pre-workshop and post-workshop written comments concerning Rules 25-6.019, 25-6.0345 and 25-6.060,

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F.A.C., were submitted by Tampa Electric Company (TECO). Gulf Power, Progress Energy, and FPL filed post-workshop comments in support of the comments submitted by TECO. Post-workshop comments concerning Rule 25-6.0345, F.A.C., were submitted by Florida Electric Cooperatives Association, Inc. No comments were submitted at or following the workshop concerning the chapters 25-7 or 25-12, F.A.C., draft rule amendments.

This recommendation addresses whether the Commission should propose the amendment of Rules 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C. The chapter 25-6 rules in this docket are still under review by staff, and staff will bring a recommendation on those rules for the Commission's consideration at a future agenda conference.

The Commission has jurisdiction pursuant to Section 120.54, Florida Statutes (F.S.), and Chapters 366 and 368, F.S.

Discussion of Issues

Issue 1: Should the Commission propose the amendment of Rules 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C.?

Recommendation: Yes, the Commission should propose the amendment of these rules as set forth in Attachment A. (Cowdery, Moses)

Staff Analysis: The rules recommended to be proposed for amendment are set forth in Attachment A. The purpose of these rule amendments is to clarify and simplify the rules, delete obsolete or unnecessary requirements, and update outdated requirements. Specifically, staff is recommending that these rules be amended as follows.

Rule 25-7.059, F.A.C., Use of Meters, (p. 7) should be amended to add clarifying language to accurately describe the "pressure control" function.

Rule 25-7.060, F.A.C., Location of Meters and Associated Appurtenances, (p. 7) should be amended to delete the obsolete requirement of locating gas meters to limit extreme temperature variations. Gas meters now have technology for temperature-compensation devices to correct for temperature changes in measurement when needed.

Rule 25-7.061, F.A.C., Meter Testing Equipment, (p. 8) should be amended to eliminate the requirement of having obsolete meter-testing equipment technology not commonly in use. The rule should also be amended to change the responsible division name to the current correct title.

Rule 25-7.062, F.A.C., Meter Test Records, (p.8) should be amended to remove the obsolete equipment requirement also proposed for elimination in Rule 25-7.061, F.A.C., to clarify language for meter accuracy, and to change the title to reflect the purpose of the rule.

Rule 25-7.064, F.A.C., Periodic Meter Tests, (p. 9) should be amended to reflect that not all testing is periodic, but that some testing is conducted pursuant to sampling plans. The rule should also be amended to clarify that the intent of conducting the testing is to test for meter accuracy. Section (4) should be amended to state that the meter does not exceed one percent error slow, instead of two percent error slow, which will match the current standard in Rule 25-7.063, F.A.C., required for new gas meters installed. In addition, the rule should be amended to change the responsible division name to the current correct title.

Rule 25-7.065, F.A.C., Meter Test by Request, (p. 10) should be amended to allow methods of test requests in addition to written requests and to add language to eliminate confusion over slow meter refunds.

Rule 25-7.066, F.A.C., Meter Test - Referee, (p. 12) should be amended to change the title to represent accurately the purpose of the rule and to add language clarifying that the Commission staff will witness tests. In addition, the rule should be amended to state that any

previous accuracy test results on record at the time the meter test is requested must be retained. Retaining test results gives an overall record of a meter's performance in order to assess whether the meter needs to be removed from service. These changes would result in consistent wording with the existing language and proposed amendments to the electric meter test dispute Rule 25-6.060, F.A.C.

Rule 25-7.070, F.A.C., Sealing Meters, (p. 13) should be amended to delete the term "meterman" and replace it with "meter personnel."

Rule 25-7.071, F.A.C., Measuring Customer Service, (p. 13) should be amended to remove the random and inadvertently included word "loans" which has no meaning or context in the rule.

Rule 25-7.084, F.A.C., Meter Readings, (p. 15) should be amended to remove the obsolete requirement that mechanical counters on meters be read monthly. Meters may now be read remotely. The rule should also be amended to add language to clarify that the rule is referring to electronic meter reading.

Rule 25-12.005, F.A.C., Codes and Standards Adopted, (p. 16) should be amended to adopt the most recent version of the referenced Code of Federal Regulations that cover natural gas pipeline safety.

Rule 25-12.008, F.A.C., New, Reconstructed or Converted Facilities, (p. 17) should be amended to delete reference to the requirement that the operator file a general conversion procedure with the Commission as part of its operation and maintenance plan before a piping system can be converted to natural gas. There is no Commission requirement for filing a general conversion procedure because Rule 25-12.39, F.A.C., which required such a filing, has been repealed.

Rule 25-12.027, F.A.C., Welder Qualification, (p. 18) should be amended to adopt the most current, referenced Code of Federal Regulations.

Rule 25-12.052, F.A.C., Criteria for Cathodic Protection of Buried or Submerged Steel, Case Iron, and Ductile Iron Pipeline, (p. 18) should be amended to change the title to reflect the purpose of the rule. The rule should be amended to remove an obsolete and unscientific corrosion control criterion that does not prevent corrosion on pipelines, consistent with the removal of this criterion from the National Association of Corrosion Engineers' standards and from the federal Pipeline Hazardous Materials Safety Administration pipeline safety regulations. Consistent with removing this criterion from the rule, Rule 25-12.052, F.A.C., should be amended to remove the qualification procedure related to this criterion. In addition, the rule should be amended to remove the qualification procedure for electrical surveys as obsolete because there are now better methods and technologies which accomplish the same or better results.

Rule 25-12.082, F.A.C., Construction Notice, (p. 20) should be amended to require notification to the Commission 15 days prior to the beginning of a major pipeline construction or

alteration. This amendment would be consistent with the 15-day advance notice to the Commission staff required by Rule 25-12.008, F.A.C., for gas system conversions, which are like alterations of pipelines. Under the current rule, an operator may provide notification at any time. Some operators provide notice just one day before starting a major construction project which does not give Commission staff sufficient time to schedule safety evaluations. The 15-day advance notification of construction would allow for more effective scheduling of safety evaluations.

Statement of Estimated Regulatory Cost

The Commission staff prepared a Statement of Estimated Regulatory Cost (SERC) pursuant to section 120.541, F.S., which is appended as Attachment B. The SERC includes an economic analysis pursuant to subparagraph 120.541(2)(a)1, F.S., showing whether the draft rules directly or indirectly are likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rules. In addition, the SERC includes an economic analysis pursuant to subparagraph 120.541(2)(a)2, F.S., showing whether the draft rules directly or indirectly are likely to have an adverse impact on business competitiveness in excess of \$1 million in the aggregate within five years after the implementation of the rule. The SERC concludes that none of the draft rule amendments would have any of the adverse impacts on the economic measures identified in subparagraphs 120.54(2)(a)1 and 2, F.S., and will not require legislative ratification pursuant to subparagraph 120.54(2)(a)3, F.S.

The SERC included an economic analysis pursuant to subparagraph 120.541(2)(a)3, F.S., showing whether the draft rule directly or indirectly is likely to increase regulatory costs, including any transaction costs, in excess of \$1 million in the aggregate within five years after implementation of the rules. The SERC concludes that none of the draft rule amendments are expected to introduce new transaction costs or costs to the agency, which are the two components of regulatory costs.

Seven investor-owned gas utilities would be required to comply with the chapter 25-7, F.A.C., draft rules. Sixty-three gas entities, including 7 investor-owned gas utilities, 27 gas municipal utilities, 4 gas districts, 17 intrastate gas pipeline utilities, 7 housing authorities, and 1 private master meter utility, would be required to comply with the draft amendments to chapter 25-12, F.A.C. The SERC concludes that several of the draft rule amendments provide opportunities for transactional cost savings, and that none of the draft rule amendments are expected to introduce new transactional costs to individuals and entities, including local government entities, required to comply with the requirements of the draft rules. Finally, the SERC concludes that none of the draft rule amendments would impact small businesses, small counties, or small cities.

Based upon the above, staff recommends that the Commission propose the amendment of Rules 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C., as set forth in Attachment A.

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Issue 2: Should this docket be closed?

Recommendation: No. If no requests for hearing or comments are filed, the rules may be filed with the Department of State. This docket should remain open to address the remaining rules included in the docket. (Cowdery)

Staff Analysis: If no requests for hearing or comments are filed, the rules may be filed with the Department of State. This docket should remain open to address Rules 25-6.019, 25-6.0345, 25-6.0346, and 25-6.060, F.A.C., which have been noticed as part of this rulemaking docket and are still in the drafting stage. Staff will bring a recommendation on those rules for the Commission's consideration at a future agenda conference.

1 **25-7.059 Use of Meters.**

2 (1) All gas sold by a utility and all gas consumed by the utility shall be metered except
3 in case of emergency, or when otherwise authorized by the Commission.

4 (2) Unless otherwise authorized by the Commission, each utility shall provide and
5 install at its own expense and shall continue to own, operate, and maintain all equipment
6 necessary for the pressure control ~~regulation~~ and measurement of gas to its customers.

7 (3) Prepayment meters shall not be used, except where otherwise authorized by the
8 Commission.

9 (4) When there is more than one meter at a common location, the metering equipment
10 shall be tagged or permanently marked to indicate the facility being metered.

11 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS.
12 History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, Formerly 25-
13 7.59, Amended _____.

14 **25-7.060 Location of Meters and Associated Appurtenances.**

15 (1) The customer shall furnish a convenient, accessible and safe place in which the
16 meter can be installed, operated and maintained. This location insofar as practical shall be
17 outside the building and free of possible ~~excessive temperature variations~~ or causes of damage
18 which might affect meter operation or accuracy.

19 (2) If changes in conditions on the customer's premises adversely affect the
20 convenience, accessibility or safety of the meter location, the customer shall be responsible for
21 the cost of relocating the meter, its appurtenances, and related piping to a location meeting the
22 above requirements.

23 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS.
24 History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, Formerly 25-

25

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1 7.60, Amended x-x-xx.

2 **25-7.061 Meter Testing Equipment.**

3 (1) Each utility shall own and maintain or have access to all necessary meter testing
4 equipment, ~~including at least one bell type meter prover of not less than five (5) cubic feet~~
5 ~~capacity or other meter testing device~~ approved by the Commission's Bureau of Division of
6 ~~Auditing and Safety~~. This equipment shall be maintained in correct adjustment so that it shall
7 be capable of determining the accuracy of customer meters to within one-half of one percent
8 (0.5%).

9 (2) The accuracy of all meter testing equipment will be established in accordance with
10 procedures set forth in American Gas Association's Gas Measurement Manual: Meter Proving
11 Part No. Twelve, 1978 edition, incorporated by reference herein, and which may be obtained
12 from the American Gas Association, 400 North Capitol Street, NW, Washington, DC 20001.

13 (3) All alterations, accidents, or repairs to meter proving equipment which might affect
14 the accuracy of such equipment or the method of operation shall be promptly reported in
15 writing to the Commission's Bureau of Division of Auditing and Safety of the Commission.
16 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) and
17 (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 5-27-76, 2-13-84, Formerly 25-
18 7.61, Amended x-x-xx.

19 **25-7.062 Meter Testing Methods ~~Test Records~~.**

20 (1) All meter tests shall be performed by competent, trained personnel using approved
21 methods and equipment.

22 (2)(4) Diaphragm meters with a test dial of five (5) cubic feet or less. The accuracy of
23 customer meters of this type shall be determined by passing air from an accurate a standard
24 ~~bell type meter prover or a calibrated~~ test meter at a rate of flow designated herein when the

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1 ~~liquid in the prover tank~~, the test equipment, the atmosphere of the room and the meter to be
2 tested are at practically the same temperature. The meter shall be tested at two rates of flow,
3 viz: a check rate test which shall be at a rate of flow of approximately twenty percent (20%) of
4 rated capacity, and also a one hundred percent (100%) of rated capacity or open run test. The
5 average of the tests at the two rates of flow shall agree within one percent (1%) and the
6 average error of the meter shall be considered to be the algebraic sum of twenty-five percent
7 (25%) of the error indicated by open run test and seventy-five percent (75%) of the error
8 indicated by the check rate test.

9 ~~(3)(2)~~ Other meters. Any utility furnishing large volume gas service through
10 diaphragm type meters with a test dial of over five (5) cubic feet or other type meters such as
11 turbine, rotary displacement, or orifice meters shall make provision for factory or other tests in
12 accordance with manufacturer's recommendations and American Gas Association's Gas
13 Measurement Manual: Meter Proving Part No. Twelve, 1978 edition.
14 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) and
15 (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, 8-4-85, Formerly 25-7.62,
16 Amended x-x-xx.

17 **25-7.064 Periodic Meter Testing for Accuracy Tests.**

18 (1)(a) Each gas utility may formulate a statistical sampling plan for the purpose of
19 ~~periodically~~ testing for accuracy installed diaphragm type positive displacement gas service
20 meters having a capacity rating of 250 cfh or less measured at the manufacturer's specification
21 for one-half (1/2) inch pressure differential. Such sampling plan shall be subject to approval
22 by the Commission's Bureau Division of Auditing and Safety prior to implementation.

23 (b) All meters installed of the above type and size not included in an approved Random
24 Sampling Plan shall be periodically removed, inspected and tested for accuracy at least once

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1 every one hundred twenty (120) months.

2 (2) Meters having a capacity rating of 250 cfh through 2500 cfh measured at the
3 manufacturer's specifications for one half (1/2) inch pressure differential shall be field tested
4 or shop tested for accuracy in accordance with American Gas Association's Gas Measurement
5 Manual: Meter Proving Part No. Twelve, 1978 edition at least once every one hundred twenty
6 (120) months.

7 (3) Meters above 2500 cfh capacity rating measured at the manufacturer's
8 specifications for one half (1/2) inch differential shall be field tested or shop tested for
9 accuracy in accordance with manufacturer's recommendations and American Gas
10 Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition, at
11 least every sixty (60) months.

12 (4) An instrument or auxiliary device used in conjunction with any gas meter to correct
13 the metered volume for pressure or temperature shall be adjusted to an accuracy level to assure
14 that the combined accuracy of the instrument or auxiliary device, or both, and the associated
15 meter does not exceed one percent (1%) error fast or one ~~two~~ percent (1%) (~~2%~~) error slow.
16 Each instrument and auxiliary device shall be checked at least the same test interval as
17 prescribed for the associated meter to insure and verify the performance.

18 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) and

19 (3) FS. History—Repromulgated 1-8-75, Amended 5-4-75, 5-27-76, 2-13-84, Formerly 25-
20 7.64, Amended x-x-xx.

21 **25-7.065 Meter Test by Request.**

22 (1) Upon ~~written~~ request of a customer, the utility shall, without charge, make a test of
23 the accuracy of the meter in use at his premises; provided, first, that the meter has not been
24 tested by the utility or by the Commission within twelve months previous to such request.

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1 (2) Should any customer request a meter test more frequently than provided for in
2 subsection (1) of this rule, the utility may require a deposit to defray the cost of testing, such
3 deposit shall not exceed the following for each test:

- 4 (a) Meters with a capacity rating of 250 cfh or less – \$34.00 dollars;
5 (b) Meters with a capacity rate of over 250 cfh through 2500 cfh – \$85.00 dollars;
6 (c) Meters with a capacity rating over 2500 cfh – \$129.00 dollars. If the meter is found
7 to be more than two percent (2%) fast, the deposit shall be refunded, but if found to be less
8 than or equal to two percent (2%) fast ~~below this accuracy limit~~, the deposit may be retained
9 by the utility as a service charge for conducting the test.

10 (3) If the customer so desires, he or his authorized representative shall have the
11 privilege of witnessing the test and a written report, giving the results of the test, shall be
12 furnished the customer upon request.

13 (4) At the request of the customer, the utility shall make arrangements for a meter test
14 to be conducted by an independent meter testing facility of the customer's choosing. The
15 customer shall be responsible for negotiating and paying to the independent meter testing
16 facility any fee charged for such a test. Such independent meter testing facilities shall, at a
17 minimum, conform to the requirements of the American Gas Association Gas Measurement
18 Manual, Meter Proving Part No. Twelve, 1978 edition. Where appropriate, the meter may be
19 field tested. The customer shall be responsible for all the costs to the utility associated with a
20 meter test by an independent meter testing facility. The utility shall provide a detailed estimate
21 of such costs and may require payment of such costs prior to the actual meter test. If the meter
22 is found to be running fast in excess of the limits established by these rules, such costs shall be
23 refunded, but if within the allowable limits, the utility may retain the costs.

24 (5) The utility may, at its discretion, conduct its own test of the meter in conformance
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1 with the testing standards established by these rules. In the event that separate tests of the
2 same meter conflict as to whether the meter meets the accuracy standards established by these
3 rules, at the request of the utility or the customer, the Commission will resolve the matter.

4 ~~Rulemaking Specific Authority~~ 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), (3),
5 and (4) FS. History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 10-11-83,
6 2-13-84, Formerly 25-7.65, Amended_____.

7 **25-7.066 Meter Test – Refereed Disputes Referee.**

8 (1) In the event of a dispute, upon ~~request~~ written application to the Commission by
9 any customer, a test of the customer's meter will be made by the utility as soon as practicable.
10 Said test will be supervised and witnessed ~~or supervised as soon as practicable~~ by a
11 representative of the Commission.

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

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

18 (4) For equipment tested under this rule, any previous accuracy test result on record at
19 the time the meter test is requested must be retained by the utility.

20 ~~Rulemaking Specific Authority~~ 350.127(2), 366.05(1) FS. Law Implemented 366.05(3) and
21 (5), 366.08 FS. History—Amended 10-20-73, Repromulgated 1-8-75, 5-4-75, Formerly 25-
22 7.66, Amended_____.

23 **25-7.070 Sealing Meters.**

24 All meters tested for installation shall be sealed at the time of the test by the meter personnel

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1 ~~meterman~~ performing the test. The seal shall be of a type that will ensure detection of
2 tampering. Those utilities using a compression type lead seal shall have as a sealing tool a
3 device furnished with a die, which shall bear the initials of the utility. Utilities using a snap tin
4 type seal shall have the seal stamped in a similar manner.

5 Rulemaking Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(3) FS.
6 History—New 2-13-84, Formerly 25-7.70, Amended _____.

7 **25-7.071 Measuring Customer Service.**

8 (1) All gas sold to customers shall be measured by commercially acceptable measuring
9 devices owned and maintained by the utility, except where it is impractical to meter ~~loans~~,
10 such as street lighting, temporary or special installations, in which case the consumption may
11 be calculated, or billed on a rate or as provided in the utility's filed tariff.

12 (2)(a) Individual gas metering by the utility shall be required for each separate
13 occupancy unit of new commercial establishments, residential buildings, condominiums,
14 cooperatives, marinas, and trailer, mobile home and recreational vehicle parks for which
15 construction is commenced after January 1, 1987. This requirement shall apply whether or not
16 the facility is engaged in a time-sharing plan. Individual meters shall not, however, be
17 required:

18 1. In those portions of a commercial establishment where the floor space dimensions or
19 physical configuration of the units are subject to alteration, as evidenced by non-structural
20 element partition walls, unless the utility determines that adequate provisions can be made to
21 modify the metering to accurately reflect such alterations;

22 2. For gas used in central heating, central water heating ventilating and air conditioning
23 systems, or gas back up service to storage heating and cooling systems;

24 3. For gas used in specialized-use housing accommodations such as hospitals, nursing
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1 homes, living facilities located on the same premises as, and operated in conjunction with, a
2 nursing home or other health care facility providing at least the same level and types of
3 services as a nursing home, convalescent homes, facilities certificated under Chapter 651,
4 F.S., college dormitories, convents, sorority houses, fraternity houses, motels, hotels, and
5 similar facilities. For separate, specially-designated areas for overnight occupancy at trailer,
6 mobile home and recreational vehicle parks where permanent residency is not established and
7 for marinas where living aboard is prohibited by ordinance, deed restriction, or other
8 permanent means;

9 4. In such multiple occupancy units which would require the provision of individual
10 gas service above the second story, unless specifically requested.

11 (b) For purposes of this rule:

12 1. "Occupancy unit" means that portion of any commercial establishment, single and
13 multi-unit residential building, or trailer, mobile home or recreational vehicle park, or marina
14 which is set apart from the rest of such facility by clearly determinable boundaries as
15 described in the rental, lease, or ownership agreement for such unit.

16 2. "Time-sharing plan" means any arrangement, plan, scheme, or similar device,
17 whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement,
18 license, or right-to-use agreement or by any other means, whereby a purchaser, in exchange
19 for a consideration, receives a right to use accommodations or facilities, or both, for a specific
20 period of time less than a full year during any given year, but not necessarily for consecutive
21 years, and which extends for a period of more than three years.

22 3. The construction of a new commercial establishment, residential building, marina,
23 or trailer, mobile home or recreational vehicle park shall be deemed to commence on the date
24 when the building structure permit is issued.

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1 4. The individual metering requirement is waived for any time-sharing facility for
2 which construction was commenced before January 1, 1987 in which separate occupancy units
3 were not metered in accordance with paragraph (2)(a).

4 (3)(a) Where individual metering is not required under subparagraph (2)(a)3. and
5 master metering is used in lieu thereof, sub-metering may be used by the customer of
6 record/owner of such facility solely for the purpose of allocating the cost of the gas billed by
7 the utility. The term "cost", as used herein represents only those charges specifically
8 authorized by the gas utility's tariff including but not limited to the customer, energy,
9 purchased gas adjustment, and conservation charges made by the gas utility plus applicable
10 taxes and fees to the customer of record responsible for the master meter payments. The term
11 cannot be construed to include late payment charges, returned check charges, the cost of the
12 distribution system behind the master meter, the cost for billing, and other such costs.

13 (b) Each utility shall develop a standard policy governing the provisions of sub-
14 metering as described herein. Such policy shall be filed by each utility as part of its tariffs.
15 This policy shall have uniform application and shall be nondiscriminatory.

16 Rulemaking Specific Authority 350.127(2), 366.05 FS. Law Implemented 366.03, 366.05(1)
17 FS. History--New 10-23-86, Amended _____.

18 **25-7.084 Meter Readings.**

19 (1) Each service meter shall be clearly marked to indicate the units registered. Unless
20 special circumstances warrant, meters shall be read at monthly intervals on the approximate
21 corresponding day of each meter-reading period. When there is good reason for doing so,
22 estimated bills may be submitted.

23 (2) When an electronic meter reading is used to determine volumes consumed, the
24 customer's bill may be rendered from data received electronically, ~~however, the mechanical~~

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1 ~~counter of the metering device shall be read monthly.~~ When available, both corrected and
2 uncorrected total volumetric readings shall be recorded.

3 Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS.
4 ~~History—Repromulgated 1-8-75, Amended 5-4-75, Formerly 25-7.84, Amended 10-10-95,~~
5 ~~XX-XX-XX.~~

6 **25-12.005 Codes and Standards Adopted.**

7 The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and
8 transportation of gas prescribed by the Pipeline and Hazardous Materials Safety
9 Administration in 49 C.F.R. 191 and 192 (2011) (2008) as amended in 74 Fed. Reg. 2889-01
10 (January 16, 2009), are adopted and incorporated by reference as part of these rules. 49
11 C.F.R. 191 (2011) may be accessed at [electronic hyperlink]. 49 C.F.R. 192 (2011) may be
12 accessed at [electronic hyperlink]. 49 C.F.R. 199 (2011) (2008), “Drug and Alcohol Testing,”
13 as amended in 74 Fed. Reg. 2889-01 (January 16, 2009), is adopted and incorporated by
14 reference to control drug use, by setting standards and requirements to apply to the testing and
15 use of all emergency response personnel under the direct authority or control of a gas utility or
16 pipeline operator, as well as all employees directly or indirectly employed by gas pipeline
17 operators for the purpose of operation and maintenance and all employees directly or
18 indirectly employed by intrastate gas distribution utilities for on-site construction of natural
19 gas transporting pipeline facilities. 49 C.F.R. 199 (2011) may be accessed at [electronic
20 hyperlink]. Part 199 also is adopted to prescribe standards for use of employees who do not
21 meet the requirements of the regulations.

22 Rulemaking Specific Authority 368.05(2), 350.127(2) FS. Law Implemented 368.03 FS.
23 ~~History—New 11-14-70, Amended 9-24-71, Revised 9-21-74, Amended 10-7-75, 11-30-82,~~
24 ~~10-2-84, Formerly 25-12.05, Amended 8-8-89, 1-7-92, 5-13-99, 4-26-01, 12-15-09,_____.~~

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 **25-12.008 New, Reconstructed or Converted Facilities.**

2 (1) No new or reconstructed system or portion thereof may be:

3 (a) Constructed, until written construction specifications complying with these rules
4 are developed.

5 (b) Placed in service until the pipeline facilities have been inspected and found to
6 comply with the construction specifications and Operating and Maintenance Plans.

7 (2) Before a piping system can be converted to a regulated gas, the operator must:

8 (a) Have ~~on file with the Commission~~ a general conversion procedure as a part of its
9 operation and maintenance plan.

10 (b) File a conversion plan with the Commission for the specific system at least 15 days
11 prior to start of conversion. This plan need not be filed for minor conversions which are
12 scheduled to be completed in one day and where sectionalizing of the system to be converted
13 is not planned.

14 (c) Have sufficient inspections performed of the pipeline to assure that it was
15 constructed in accordance with standards applicable at the time of installation. Visual
16 inspection of the underground facilities may not be required if adequate construction and
17 testing records have been maintained.

18 (d) Review the operating and maintenance history of the system to be converted. Any
19 areas showing abnormal maintenance requirements shall be replaced, reconditioned or
20 otherwise made safe prior to conversion.

21 (e) Establish the maximum allowable operating pressure no greater than the highest
22 sustained operating pressure during the 5 years prior to conversion unless it was tested or
23 uprated after July 1, 1970 in accordance with the Subparts J or K of 49 C.F.R. 192 (2011)
24 ~~(2008)~~.

25

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

1 (f) Make a leak survey over the entire converted system concurrent with the
2 conversion.

3 (g) Determine areas of active corrosion as required by 49 C.F.R. 192 (2011) ~~(2008)~~
4 and these rules. Required cathodic protection must be accomplished within 1 year after the
5 date of conversion except that buried steel tubing must be protected prior to placing the system
6 into operation.

7 Rulemaking Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History–
8 New 11-14-70, Revised 9-21-74, Amended 10-7-75, 10-2-84, Formerly 25-12.08, Amended
9 12-15-09,_____.

10 **25-12.027 Welder Qualification.**

11 (1) No welder shall make any pipeline weld unless the welder has qualified in
12 accordance with Section 3 of American Petroleum Institute Standard 1104, Welding of
13 Pipelines and Related Facilities, 20th edition, October 2005 including Errata/Addendum July
14 2007 and Errata 2 (2008), incorporated by reference herein, or Appendix C of 49 C.F.R. 192
15 (2011)~~(2008)~~, within the preceding 15 months, but at least once each calendar year. A copy of
16 API 1104 may be obtained from <http://www.api.org/Standards/>.

17 (2) No welder shall weld with a particular welding process unless the welder has
18 engaged in welding with that process within the preceding six calendar months. A welder who
19 has not engaged in welding with that process within the preceding six calendar months must
20 requalify for that process as set forth in subsection (1) herein.

21 Rulemaking Authority 350.127(2), 368.05(2) FS. Law Implemented 368.03, 368.05 FS.
22 History–New 1-7-92, Amended 12-15-09, x-x-xx.

23 **25-12.052 Corrosion Control Criteria for Cathodic Protection of Buried or Submerged**
24 **Metallic Steel, Cast Iron, and Ductile Iron Pipeline.**

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 (1) The only acceptable criteria for the determination of cathodic protection shall be I-
2 A(1), ~~I-A(2)~~, I-A(3), and I-A(5) of Appendix D of 49 C.F.R. 192 (2011), ~~Part 192 of Title 49,~~
3 ~~CFR.~~

4 (2) I-A(1) shall be the only criterion acceptable for determination of the degree of
5 cathodic protection of externally coated buried or coated submerged pipelines installed after
6 June 1, 1975. When requirements cannot be met due to ineffective insulating capabilities of
7 the external coating, that portion of the pipeline may be isolated and protected using other
8 criteria listed in (1) above.

9 ~~(3) Application of Criterion I-A(2) shall be dependent upon the establishment of initial~~
10 ~~or unprotected pipe/soil potentials.~~

11 (3) ~~(4)~~ Application of Criterion I-A(5) is restricted to bare and essentially bare
12 ineffectively coated metallic gas pipelines installed prior to July 31, 1971.

13 (a) Prior to utilization of Criterion I-A(5), a proposed, comprehensive, written
14 procedure for application and monitoring shall be submitted to the Commission's Bureau of
15 Safety.

16 (b) The effectiveness of the procedure shall be supported by test data obtained in actual
17 field application of the procedure. An acceptable procedure shall demonstrate that the
18 procedure can attain a protective net current flow from the surrounding electrolyte into the
19 pipeline surface at all current discharge (anodic) points.

20 ~~(c) The procedure qualification shall include a surface potential survey conducted~~
21 ~~longitudinally directly above the pipeline with maximum spacing of ten (10) feet utilizing two~~
22 ~~saturated copper-copper sulfate half-cells.~~

23 (c) ~~(d)~~ All procedure qualification records shall be retained as long as the qualified
24 procedure is used.

25

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1 (d) (e) If application of the qualified procedure fails to provide the required protective
2 net current flow from the surrounding electrolyte into the pipeline surface for a segment of the
3 pipeline, the procedure shall be modified accordingly and requalified for use in similar
4 conditions.

5 (e) (f) The placement of the electrodes for resurvey monitoring of the application of I-
6 A(5) shall utilize the same electrode locations as the initial survey when practical.

7 (f) (g) Each pipeline that is under cathodic protection utilizing Criterion I-A(5) shall be
8 tested at least once each calendar year, but with intervals not exceeding 15 months, to
9 determine whether the cathodic protection meets the requirements of these rules.

10 (4) (5) If gas leakage results from active corrosion of a pipeline, remedial action shall
11 include application of cathodic protection to meet one of the criteria of this rule, as described
12 in subsection (1), unless the pipeline is replaced with non-metallic pipe. Cathodic protection
13 for these remedial applications must be tested at least once every calendar year, but with
14 intervals not exceeding 15 months, to determine whether the cathodic protection meets the
15 requirements of this rule.

16 (5) (6) Each operator must take remedial action within three (3) months to correct or
17 make substantial progress toward correction of any deficiencies indicated by monitoring.

18 Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS.
19 History—New 10-7-75, Amended 10-2-84, Formerly 25-12.52, Amended 1-7-92, _____.

20 **25-12.082 Construction Notice.**

21 Written Notice shall be given to the Commission at least 15 days prior to start of all major
22 construction or alteration of pipeline facilities, stating the size, approximate location and
23 contemplated time of construction. Notice is required when the pipeline involved is both at
24 least 2 inches in diameter as well as 2,000 feet or more in length.

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1 Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS.
2 History—New 11-14-70, Amended 9-21-74, Repromulgated 10-7-75, Amended 10-2-84,
3 Formerly 25-12.82, Amended _____.
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State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0830

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

DATE: May 4, 2012
TO: Kathryn Cowdery, Senior Attorney, Office of the General Counsel
FROM: William B. McNulty, Economic Analyst, Division of Economic Regulation *WBM*
RE: Statement of Estimated Regulatory Costs for Draft Rule Amendments to Rules 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, 25-12.082, Florida Administrative Code

Summary of Draft Rule Amendments

Rules 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, and 25-7.084, Florida Administrative Code (F.A.C.), address the use of meters, the location of meters and associated appurtenance, meter testing equipment, meter test records, periodic meter tests, meter tests by request, refereed meter tests, sealing meters, measuring customer service, and meter readings. Rules 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C., address the safety of gas transportation by pipeline.

Rule 25-7.059, F.A.C., Use of Meters, would be clarified to accurately describe the "pressure control" function; Rule 25-7.060, F.A.C., Location of Meters and Associated Appurtenances, would be amended to delete obsolete meter locating requirements; Rule 25-7.061, Meter Testing Equipment, F.A.C., would be amended to delete obsolete meter-testing technology language; Rule 25-7.062, Meter Test Records, would be amended to remove obsolete language and to clarify language; Rule 25-7.064, F.A.C., Periodic Meter Tests, language would be amended for accuracy and clarification; Rule 25-7.065, F.A.C., Meter Test by Request, would be amended to add allowable methods of test request and to add clarifying language; Rule 25-7.066, F.A.C., Meter Test – Referee, would be amended to add clarifying language; Rule 25-7.070, F.A.C., Sealing Meters, would be amended to update terminology; Rule 25-7.071, F.A.C., Measuring Customer Service, would be amended to delete unnecessary language; and Rule 25-7.084, F.A.C., Meter Readings, would be amended to remove obsolete language and to add clarifying language.

Rule 25-12.005, F.A.C., Codes and Standards Adopted, would be amended to adopt the most current applicable Code of Federal Regulation (C.F.R.) sections for natural gas pipelines; Rule 25-12.008, F.A.C., New, Reconstructed or Converted Facilities, would be amended to delete obsolete requirements and to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.027, F.A.C., Welder Qualifications would be amended to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.052, F.A.C., Criteria for Cathodic

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Protection of Buried or Submerged Steel, Cast Iron, and Ductile Iron Pipeline, would be amended to remove obsolete language and to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.082, F.A.C., Construction Notice, would be amended to specify the timeframe within which major pipeline construction or alternation notification must be given to the Commission.

Economic Analysis Showing Whether the Rules Are Likely to Have an Adverse Impact on Either Economic Growth or Business Competitiveness In Excess of \$1 Million Within 5 Years.

Subparagraph 120.541(2)(a)1, Florida Statutes (F.S.), requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. Subparagraph 120.541(2)(a)2, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on business competitiveness in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. Each of the draft rule amendments were evaluated for the potential for having the types of adverse impacts on the measures of economic activity noted above.

Rule 25-7.059, F.A.C., Use of Meters. The draft rule amendment would add clarifying language to accurately describe the "pressure control" function, replacing the word "regulation". The draft rule amendment would have none of the adverse impacts on the economic measures identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Rule 25-7.060, F.A.C., Location of Meters and Associated Appurtenances. The draft rule amendment would delete the obsolete requirement to locate gas meters to limit extreme temperature variations. Gas meters now have technology for temperature-compensation devices to correct for temperature changes in measurement when needed. This temperature compensating technology is in common use in the gas industry. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Rule 25-7.061, F.A.C., Meter Testing Equipment. The draft rule amendment would delete the requirement to have a bell type meter prover, an obsolete technology. This technology has been replaced with calibrated test meter provers which is the common standard. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Rule 25-7.062, F.A.C., Meter Test Records. The draft rule amendment would delete the reference to a bell type meter prover, an obsolete technology. This technology has been replaced with calibrated test meter provers which is the common standard. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

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Rule 25-7.064, F.A.C., Periodic Meter Tests. The draft rule amendment would change the "two percent (2%) error slow" to "one percent (1%)", thus matching the current standard in Rule 25-7.063, F.A.C. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Rule 25-7.065, F.A.C., Meter Test by Request. The draft rule amendment would allow test requests by methods other than just written requests. This additional flexibility would reduce regulatory costs. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Rule 25-7.066, Meter Test – Referee. The draft rule amendment would require the meter tests to be supervised and witnessed by a representative of the Commission. Commission staff typically already perform these functions. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Rule 25-7.070, F.A.C., Sealing Meters. The draft rule amendment would, in reference to the person performing the meter test, change the term "meter man" to "meter personnel". The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Rule 25-7.071, F.A.C., Measuring Customer Service. The draft rule amendment would eliminate the word "loans", which appears to have been inadvertently inserted into the rule. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Rule 25-7.084, F.A.C., Meter Readings. The draft rule amendment would eliminate the requirement to read mechanical counters on meters monthly. Meters can now be read remotely, so this is an obsolete requirement requiring unnecessary expense. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Rule 25-12.005, F.A.C., Codes and Standards Adopted. The draft rule amendment updates the most current three parts of the Code of Federal Regulations 191, 192, and 199 that cover natural gas pipeline safety to January 2009. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in the statutes.

Rule 25-12.008, F.A.C., New, Reconstructed or Converted Facilities. The draft rule amendment deletes requirement to have on file with the Commission a general conversion procedure as part of the operation and maintenance plan. The filing of such plans was a requirement appearing in repealed Rule 25-12.039, F.A.C., so this draft amendment to remove the conversion procedure filing requirement makes the rule consistent with the repeal of Rule 25-12.039, F.A.C. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in the statutes.

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Rule 25-12.027, F.A.C., Welder Qualifications. The draft rule amendment would update the reference to Appendix C of 49 of the Code of Federal Regulations 192 to 2011. The draft change in references does not change the cost requirements of the rule. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in the statutes.

Rule 25-12.052, F.A.C., Criteria for Cathodic Protection of Buried or Submerged Steel, Cast Iron, and Ductile Iron Pipeline. The draft rule amendment would remove an obsolete and unscientific corrosion control criterion identified as Criterion I-A(2) that does not prevent corrosion on pipelines. The draft rule amendment also removes Criterion I-A(5)'s procedure qualification. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Rule 25-12.082, F.A.C., Construction Notice. The draft rule amendment would require notification to the Commission 15 days prior to beginning of all major construction or alteration of pipeline facilities, rather than an unspecified time period. This requirement is similar to the requirements currently in effect in Rule 25-12.008, F.A.C., for pipeline conversion plans. Advanced notification would allow for more effective scheduling of safety evaluations. The draft rule amendment would have no adverse impacts on the measures of economic activity identified in Subparagraphs 120.541(2)(a)1 and 2, F.S.

Economic Analysis Showing Whether the Rules Are Likely to Increase Regulatory Costs In Excess of \$1 Million Within 5 Years

Subparagraph 120.541(2)(a)3, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to increase regulatory cost, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. Upon review, draft amendments to Rules 25-7.059, 25-7.064, 25-7.070, 25-7.071, 25-12.005, and 25-12.008, and 25-12.027, F.A.C., clarify the wording or correct omissions or mistakes in the existing rules. Draft amendments to Rules 25-7.060, 25-7.061, 25-7.062, 25-7.084, and 25-12.052, F.A.C., update the rules to reflect technological changes and common practices which have occurred within the industry. Draft amendments to Rules 25-7.065, 25-7.066, and 25-12.082, F.A.C., modifies the existing rule language to clarify the requirements of the rule. Several of the draft rule amendments provide opportunities for transactional cost savings, including Rules 25-7.061, 25-7.065, 25-7.084, 25-12.008, and 25-12.052, F.A.C. None of the draft rule amendments are expected introduce new transactional costs or costs to the agency, the two components of regulatory costs.

Estimated Number of Entities Required to Comply and General Description of Individuals Affected

Subparagraph 120.541(2)(b), F.S., requires a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals anticipated to be affected by the rule. Seven investor-owned gas utilities would be required to comply with the draft amendments to Chapter 25-7,

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F.A.C. Sixty-three gas entities, including 7 investor-owned gas utilities, 27 gas municipal utilities, 4 gas districts, 17 intrastate gas pipeline utilities, 7 housing authorities, and 1 private master meter utility, would be required to comply with the draft amendments to Chapter 25-12.

Rule Implementation and Enforcement Costs and Impact on Revenues For The Agency and Other State and Local Government Entities

Section 120.541(2)(c), F.S., requires a good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues. None of the draft rule amendments would require any additional costs related to their implementation or enforcement. None of the draft rule amendments would have any effect on state or local revenues.

Estimated Transactional Costs to Individuals and Entities

Section 120.541(2)(d), F.S., requires 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. Several of the draft rule amendments provide opportunities for transactional cost savings, including Rules 25-7.061, 25-7.065, 25-7.084, 25-12.008, and 25-12.052, F.A.C. None of the draft rule amendments are expected introduce new transactional costs.

Impact On Small Businesses, Small Cities, Or Small Counties

Section 120.541(2)(e), F.S., requires an analysis of the impact of the proposed changes on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined in Section 120.52, F.S. None of the draft rule amendments would impact small businesses, small counties, or small cities.

Additional Information Deemed Useful By The Agency

None.

cc: Braulio Baez
Rick Moses
Marshall Willis
Cheryl Bulecza-Banks