

Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO.: RULE TITLE:

25-12.005: Codes and Standards Adopted

25-12.008: New, Reconstructed or Converted Facilities

25-12.027: Welder Qualification

25-12.052: Criteria for Cathodic Protection of Buried or Submerged Steel, Cast Iron, and Ductile Iron Pipeline

25-12.082: Construction Notice

PURPOSE AND EFFECT: To clarify the rules, to update them to reflect the most current applicable Code of Federal Regulations, and to remove obsolete and unnecessary language.

Docket No. 110313-PU

SUMMARY: Rule 25-12.005 is amended to adopt the most current applicable Code of Federal Regulation sections for natural gas pipelines; Rule 25-12.008 is amended to delete obsolete requirements and reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.027 is amended to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.052 is amended to remove obsolete language and to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.082 is amended to specify the time frame within which major pipeline construction or alteration notification must be given to the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 368.05(2), 350.127(2) FS

LAW IMPLEMENTED: 368.03, 368.05(2) FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULE IS:

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

The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas prescribed by the Pipeline and Hazardous Materials Safety Administration in 49

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

C.F.R. 191 and 192 (2011) (2008) as amended in 74 Fed. Reg. 2889-01 (January 16, 2009), are adopted and incorporated by reference as part of these rules. 49 C.F.R. 191 (2011) may be accessed at [electronic hyperlink]. 49 C.F.R. 192 (2011) may be accessed at [electronic hyperlink]. 49 C.F.R. 199 (2011) (2008), "Drug and Alcohol Testing," as amended in 74 Fed. Reg. 2889-01 (January 16, 2009), is adopted and incorporated by reference to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for on-site construction of natural gas transporting pipeline facilities. 49 C.F.R. 199 (2011) may be accessed at [electronic hyperlink]. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

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

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

- (1) No change
- (2) Before a piping system can be converted to a regulated gas, the operator must:
  - (a) Have on file with the Commission a general conversion procedure as a part of its operation and maintenance plan.
  - (b)-(d) No change
  - (e) Establish the maximum allowable operating pressure no greater than the highest sustained operating pressure during the 5 years prior to conversion unless it was tested or updated after July 1, 1970 in accordance with the Subparts J or K of 49 C.F.R. 192 (2011) (2008).
  - (f) No change
  - (g) Determine areas of active corrosion as required by 49 C.F.R. 192 (2011) (2008) and these rules. Required cathodic protection must be accomplished within 1 year after the date of conversion except that buried steel tubing must be protected prior to placing the system into operation.

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

**25-12.027 Welder Qualification.**

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

(2) No change

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

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

(1) The only acceptable criteria for the determination of cathodic protection shall be I-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, CFR.

(2) No change

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

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

(a)-(b) No change

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

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

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

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

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

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

(5) (~~6~~) Each operator must take remedial action within three (3) months to correct or make substantial progress toward correction of any deficiencies indicated by monitoring.  
*Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History—New 10-7-75, Amended 10-2-84, Formerly 25-12.52, Amended 1-7-92, \_\_\_\_\_.*

**25-12.082 Construction Notice.**

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

*Rulemaking Specific Authority 350.127(2), 368.05(2) FS. Law Implemented 368.05(2) FS. History—New 11-14-70, Amended 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.82, Amended \_\_\_\_\_.*

Posting of Section 3 of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities, 20th edition, October 2005, including Errata/Addendum July 2007 and Errata 2 (2008), on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These materials are available for public inspection and examination at the Florida Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, and the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 37, Number 45, November 10, 2011

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**Notices Submitted to/Confirmed by Administrative Code & Weekly Staff**

Notices Confirmed by ACW

**Notices Submitted to ACW**

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<a href="#">11794053</a>	7/18/2012	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	7/27/2012 Vol. 38/30	7/18/2012
<a href="#">11792307</a>	7/18/2012	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	7/27/2012 Vol. 38/30	7/18/2012
<a href="#">11785129</a>	7/17/2012	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	7/27/2012 Vol. 38/30	7/18/2012
<a href="#">11784062</a>	7/16/2012	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	7/27/2012 Vol. 38/30	7/18/2012
<a href="#">11716259</a>	7/17/2012	Florida Public Service Commission	Meeting	7/27/2012 Vol. 38/30	7/18/2012
<a href="#">11785711</a>	7/17/2012	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	7/27/2012 Vol. 38/30	7/18/2012
<a href="#">11784838</a>	25-6.0131	Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives	Rule	7/27/2012 Vol. 38/30	7/18/2012
<a href="#">11784935</a>	25-7.0131,...	Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts, Regulatory Assessment Fees	Rule	7/27/2012 Vol. 38/30	7/18/2012
<a href="#">11785032</a>	25-30.120	Regulatory Assessment Fees; Water and Wastewater Utilities	Rule	7/27/2012 Vol. 38/30	7/18/2012
✓ <a href="#">11787263</a>	25-12.005,...	Codes and Standards Adopted, New, Reconstructed or Converted Facilities, Welder Qualification, Criteria for Cathodic Protection of Buried or Submerged Steel, Cast Iron, and Ductile Iron Pipeline, Construction Notice	Proposed	7/27/2012 Vol. 38/30	7/18/2012
<a href="#">11787069</a>	25-7.059,...	Use of Meters, Location of Meters and Associated Appurtenances, Meter Testing Equipment, Meter Test Records, Periodic Meter Tests, Meter Test by Request, Meter Test - Referee, Sealing Meters, Measuring Customer Service, Meter Readings	Proposed	7/27/2012 Vol. 38/30	7/18/2012

**Notices Confirmed by ACW**

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
<a href="#">11757096</a>	7/13/2012	Florida Public Service Commission	Meeting	7/20/2012 Vol. 38/29	7/16/2012
<a href="#">11765244</a>	6/25/2012	Florida Public Service Commission	Variances	7/20/2012 Vol. 38/29	7/16/2012

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