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Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.ecodev.state.mo.us/psc/>

August 23, 1999

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Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

**RECEIVED**

AUG 27 1999  
SECRETARY OF STATE  
ADMINISTRATIVE RULES DIVISION

RE: Proposed Amendment to Rule 4 CSR 240-18.010

Dear Mr. Roberts:

Executive Order 96-18 requires state agencies to determine whether a proposed rulemaking will have direct economic impact on small businesses of five hundred dollars or more in the aggregate. A small business is defined in the Executive Order as an independently owned and operated business entity that employs fifty or fewer full-time employees.

Amending rule 4 CSR 240-18.010 will not have a direct economic impact on small businesses of five hundred dollars or more in the aggregate.

Please let me know if you have any questions on this issue.

Very truly yours,

Morris L. Woodruff  
Regulatory Law Judge

MLW:lfb

Title 4----DEPARTMENT OF ECONOMIC DEVELOPMENT  
 Division 240----Public Service Commission  
 Chapter 18----Safety Standards

FILED

AUG 20 1999

## PROPOSED AMENDMENT

Missouri Public  
Service Commission

**4 CSR 240-18.010 Safety Standards--Electric and Telephone Utilities and  
 Rural Electric Cooperatives**

*PURPOSE: This amendment provides for the adoption and incorporation by reference the most recent edition of the American National Standard, National Electrical Safety Code (NESC) as approved by the American National Standards Institute on June 6, 1996.*

(1) The commission adopts as its rule and incorporates by reference, **Parts 1, 2 and 3 and Sections 1, 2 and 9** of the American National Standard, National Electric Safety Code (NESC); [1993] 1997 Edition as approved by the American National Standards Institute on [July 10, 1992] **June 6, 1996**. [It] **The NESC** is published by the Institute of Electrical and Electronics Engineers, Inc., as the minimum safety standards relating to operation of electric and telephone utilities and rural electric cooperatives. The NESC is composed of four (4) different parts and four (4) sections, each of which pertain to different aspects of the electric and telecommunications industries. [The commission adopts Parts 1, 2 and 3 and Sections 1, 2 and 9.] Part 1 specifies rules for the installation and maintenance of equipment normally found in electric generating plants and substations. Part 2 pertains to safety rules for overhead electric and communication lines. Part 3 contains safety rules for underground electric and communication lines. Section 1 is an introduction to the NESC, Section 2 defines special terms and Section 9 requires certain grounding methods for electric and communications facilities.

*AUTHORITY: sections 386.310 RSMo (Cum. Supp. [1989]1997) and 394.160 RSMo ([1986] 1994). \* Original rule filed March 15, 1978, effective Oct. 2, 1978. Amended: Filed April 8, 1981, effective Oct. 15, 1981. Amended: Filed Feb. 9, 1984, effective June 15, 1984. Amended: Filed June 12, 1987, effective Sept. 15, 1987. Amended: Filed Jan. 5, 1990, effective April 13, 1990. Amended: Filed March 23, 1993, effective Oct. 10, 1993. Amended: Filed \_\_\_\_\_, \_\_, 1998.*

*PUBLIC ENTITY COSTS: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COSTS: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, Rebecca McDowell Cook, Secretary of State, P.O. Box 778, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT**Division 240—Public Service  
Commission**Chapter 18—Safety Standards****4 CSR 240-18.010 Safety Standards—  
Electric and Telephone Utilities and  
Rural Electric Cooperatives**

Auth: sections 386.310 RSMo (Cum. Supp. 1989) and 394.160, RSMo (1986).  
Original rule filed March 15, 1978, effective Oct. 2, 1978. Amended: Filed April 8, 1981, effective Oct. 15, 1981. Amended: Filed Feb. 9, 1984, effective June 15, 1984. Amended: Filed June 12, 1987, effective Sept. 15, 1987. Amended: Filed Jan. 5, 1990, effective April 13, 1990. Amended: Filed March 23, 1993, effective Oct. 10, 1993.

*PURPOSE: This rule prescribes minimum safety standards relating to the operation of electric and telephone utilities and rural electric cooperatives. Adoption of this rule will not only inform the regulated utilities, to which it applies, of the minimum safety standards required by the commission but will also be of assistance to the commission staff in carrying out its assigned duties.*

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome and expensive. The entire text of the rule has been filed with the secretary of state and is summarized here by the agency adopting it. The entire text of the rule may be found at the headquarters of the commission and is available to any interested person at a cost established by state law.*

(1) The commission adopts the *American National Standard, National Electrical Safety Code (NESC)*, 1993 Edition as approved by the American National Standards Institute on July 10, 1992. It is published by the Institute of Electrical and Electronics Engineers, Inc., as the minimum safety standards relating to the operation of electric and telephone utilities and rural electric cooperatives. The NESC is composed of four (4) different parts and four (4) sections, each of which pertain to different aspects of the electric and telecommunications industries. The commission adopts Parts 1, 2 and 3 and Sections 1, 2 and 9. Part 1 specifies rules for the installation and maintenance of equipment normally found in electric generating plants and substations. Part 2 pertains to safety rules for overhead electric and communication lines. Part 3 contains safety rules for underground electric and communication lines. Section 1 is an introduction to the NESC, Section 2 defines special terms and Section 9 requires certain grounding methods for electric and communications facilities.

(2) All electric and telephone utilities and rural electric cooperatives subject to regulation by this commission pursuant to Chapters 386, 392—394, RSMo shall be required to adhere to the safety standards established by this rule.

1997

JUNE 6, 1996

From: Stephen Gunn  
To: GEORGG  
Date: 4/7/98 12:15pm  
Subject: Proposed Amendment to 4 CSR 240-18.010

For your review, I attach (WP format) a draft amendment of subsection (1). This amendment incorporates the latest (1997) edition of the National Electrical Safety Code. Pursuant to Section 536.021.2 RSMo (1994), new text is indicated by bold print and deleted text is [bracketed]. I did not include subsection (2) because there is no proposed amendment to that subsection.

Paragraph 5 of IP-9 states that when complete, this draft is to be circulated to Cecil and the Division Directors. It doesn't say who should circulate the draft. I'll punt that decision to you. I'd be happy to submit it through Dan Joyce.

Thanks.

CC: HOSFOB, HENDEW, KETTEJ