



Commissioners

DANIEL Y. HALL
Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

SCOTT T. RUPP

MAIDA J. COLEMAN

Missouri Public Service Commission

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

SHELLEY BRUEGGEMANN
General Counsel

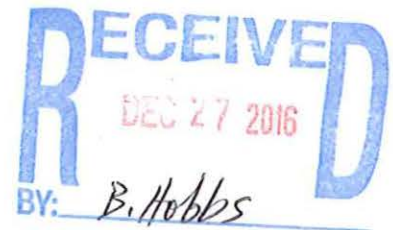
MORRIS WOODRUFF
Secretary

WESS A. HENDERSON
Director of Administration

NATELLE DIETRICH
Staff Director

December 27, 2016

Mike Downing, Director
Department of Economic Development
301 W. High Street
P.O. Box 1157
Jefferson City, Missouri 65102



**RE: 4 CSR 240-18.010 Safety Standards for Electrical Corporations,
Telecommunications Companies and Rural Electric Cooperatives**

Dear Mr. Downing:

The Public Service Commission proposes the rule 4 CSR 240-18.010, Safety Standards for electrical Corporations, telecommunications Companies and Rural Electric Cooperatives. This amendment will change the edition of the National Electrical Safety Code that the Public Service Commission adopts for the minimum safety standards applicable to electrical corporations, telecommunications companies, and rural electric cooperatives, and clarifies that the new standards apply only to new installations and extensions.

The proposed amendment does not implicate the takings clause of the U.S. Constitution, because the proposed amendment does not involve the taking of real property.

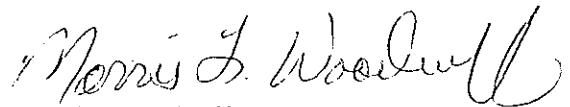
The Commission has performed the small business analysis required by Section 536.300, RSMo Supp. 2013, and includes the small business impact statement with this filing. Proposed Amendment 4 CSR 240-18.010 does not impose any requirement that "will cause direct and significant economic burden upon a small business, or that is directly related to the formation, operation, or expansion of a small business." The Commission certifies that it has determined that the proposed amendment will not have an economic impact on small businesses.

Mr. Mike Downing
December 27, 2016
Page 2

Please find enclosed a copy of the Proposed Amendment, a Small Business Impact Statement and, for your signature, a Public Entity Cost Affidavit. Please review and sign the Affidavit at your earliest convenience so that the Commission may proceed with publishing the proposed amendment.

Please let me know if you have any questions concerning this proposed amendment.

Sincerely,

A handwritten signature in cursive script, reading "Morris L. Woodruff".

Morris Woodruff
Chief Regulatory Law Judge
(573) 751-2849 (telephone)
(573) 526-6010 (facsimile)
Morris.Woodruff@psc.mo.gov (e-mail)

Enclosure

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

PROPOSED AMENDMENT

4 CSR 240-18.010 Safety Standards for Electrical Corporations, Telecommunications Companies and Rural Electric Cooperatives

PURPOSE: This amendment changes the edition of the National Electrical Safety Code that the Public Service Commission adopts for the minimum safety standards applicable to electrical corporations, telecommunications companies and rural electric cooperatives, and clarifies that the new standards apply only to new installations and extensions.

PURPOSE: This rule prescribes minimum safety standards relating to the operation of electric utilities, telecommunications companies, and rural electric cooperatives. Adoption of this rule will *[not only]* inform the utilities of the minimum safety standards required by the commission and will be of assistance to the commission staff in carrying out its assigned duties.

(1) The minimum safety standards relating to the operation of electrical corporations, telecommunications companies, and rural electric cooperatives are Parts 1, 2, and 3 and Sections 1, 2, and 9 of the *National Electrical Safety Code* (NESC); *[2012]* **2017** Edition as approved by the American National Standards Institute on *[August 1, 2011]* **August 1, 2016**, as modified by Errata thereto issued on *[February 6, 2012 and April 29, 2013]* **September 13, 2016**, and published by the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997. 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. 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. The full text of this material is available at the Energy Analysis Section of the Utility Operations Department of the Public Service Commission, Suite 700, 200 Madison, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.

(4) Those who excavate near underground facilities or conduct activities within ten **(10)** feet *[(10')]* of overhead power lines are required to notify area utilities prior to engaging in such action, pursuant to the Underground Facility Safety and Damage Prevention Act, section 319.010 et seq., RSMo 2000, and the Overhead Power Line Safety Act, section 319.075 et seq., RSMo 2000.

*AUTHORITY: sections 386.310 and 394.160, RSMo 2000. * 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 Aug. 27, 1999, effective Feb. 29, 2000. Amended: Filed Oct. 14, 2003, effective April 30, 2004. Amended: Filed May 2, 2008, effective Nov. 30, 2008. Amended: Filed April 2, 2012, effective Feb. 28, 2014; Amended: Filed Month/Day, 2016, effective Month/Day, 2017*

**Original authority: 386.310, RSMo 1939, amended 1979, 1989, 1996 and 394.160, RSMo 1939, amended 1979.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions in excess of \$500.00 in total.

PRIVATE COST: This proposed rule will not cost private entities in excess of \$500.00 in total.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of, or in opposition to, this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices on or before Month/Day/Year, and should include a reference to Commission Case No. EX-2017-0153. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for Month/Day/Year, at Time, in Room ### of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers:

Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**AFFIDAVIT
PUBLIC COST**

**STATE OF MISSOURI)
)
COUNTY OF COLE)**

I, Mike Downing, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed rule, 4 CSR 240-18.010, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Mike Downing
Director
Department of Economic Development

Subscribed and sworn to before me this _____ day of _____, 20____, I am commissioned as a notary public within the County of _____, State of Missouri, and my commission expires on _____.

Notary Public

Small Business Regulatory Fairness Board

Small Business Impact Statement

Date: December 21, 2016

Rule Number: 4 CSR 240-18.010

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Alan Bax

Phone Number: 573-526-1444 **Email:** alan.bax@psc.mo.gov

Name of Person Approving Statement: Natelle Dietrich

Please describe the methods your agency considered or used to reduce the impact on small businesses *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

This amendment changes the edition of the National Electrical Safety Code that the commission adopts for the minimum safety standards applicable to electrical corporations, telecommunication companies and rural electric cooperatives. There will be no impact on small businesses.

Please explain how your agency has involved small businesses in the development of the proposed rule.

N/A – The proposed amendment only updates the version of applicable federal standards. Small businesses that are utility companies and directly affected would have been involved in the initial rulemaking when the codes were adopted. In addition, some small utility businesses indicated the changes were negligible and others have the opportunity to request automatic waivers of the requirements.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

None.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Small business utility companies will be required to comply with the rules, but are not expected to be adversely affected. They are already required to comply with the standards and the amendment simply updates the version applicable for compliance. Some small businesses indicate compliance will be negligible and others have the opportunity to request automatic waivers of the requirements.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

N/A

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Electrical corporations, telecommunications companies, and rural electric cooperatives.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes___ No_X__

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.

Rulemaking Submission Questions

Rule Number: 4 CSR 240-18.010

Topic: Safety Standards for Electrical Corporations, Telecommunications Companies and Rural electric Cooperatives

Division Contact for this Rule: Morris Woodruff

Date Submitted: 12/7/16

1. What does the proposed rule (or proposed amended rule) do?

Changes the edition of the National Electrical Safety Code that the Public Service Commission adopts for the minimum safety standards applicable to electrical corporations, telecommunications companies, and rural electric cooperatives. The amendment also clarifies that the new standards apply only to new installations and extensions.

2. What will the department be able to do with it that it can't do without it?

The amendment updates the correct code edition where the safety standards can be located.

3. Why now (e.g. to implement a new statute)?

The National Electrical Safety Code was updated this past fall and the rule is no longer accurate with the outdated edition references.

4. How much will it cost, and who will have to pay (specifically indicate private, public or small business impact)?

No cost.

5. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

n/a

6. What groups have a stake in this? Have they seen this, and if so, what do they think?

Electric utilities, telecommunications companies, and rural electric cooperatives. There is no indication anyone will oppose the update.

7. Is there a deadline? If so, when and why then?

No