

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

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JUL 27 2017

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-18.010

COPY

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Contact: Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address Morris.woodruff@psc.mo.gov

Data Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Fl., Gov. Ofc. Bldg., JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking, include effective date
☒ Proposed Rulemaking
☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration
☐ Request for Non-Substantive Change
☐ Statement of Actual Cost
☐ Order of Rulemaking

Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

SMALL BUSINESS
REGULATORY FAIRNESS BOARD

JUL 27 2017

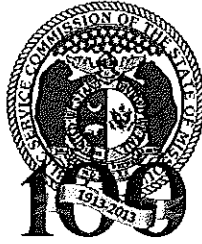
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JOINT COMMITTEE ON

JUL 27 2017

ADMINISTRATIVE RULES



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

LOYD WILSON
Director of Administration

NATELLE DIETRICH
Staff Director

July 27, 2017

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

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

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2016 that the proposed amendment does not constitute a taking of real property under relevant state and federal law, and that the proposed amendment conforms to the requirements of 1.310, RSMo, regarding user fees.

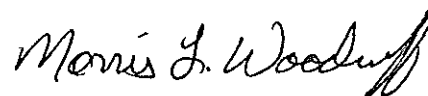
The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Mr. John Ashcroft
July 27, 2017
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Statutory Authority: section 386.310, RSMo 1939.

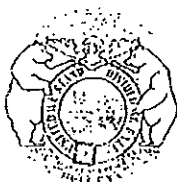
If there are any questions regarding the content of this proposed amendment, please contact:

Morris Woodruff, Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
Morris.Woodruff@psc.mo.gov

A handwritten signature in black ink, reading "Morris L. Woodruff". The signature is written in a cursive style with a large, stylized "M" and "W".

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures



ERIC R. GRETTENS
GOVERNOR

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

P.O. Box 720
(573) 751-3222

July 24, 2017

Daniel Hall
Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102

Dear Chairman Hall:

This office has received your rulemaking for electric utility demand-side programs investment mechanisms filing and submission requirements, 4 CSR 240-3.163; electric utility demand-side programs filing and submission requirements, 4 CSR 240-3.164; and safety standards for electrical corporations, telecommunications companies and rural electric cooperatives, 4 CSR 240-18.010.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations. After our review of this rulemaking, we approve the rules' submission to JCAR and the Secretary of State.

Sincerely,

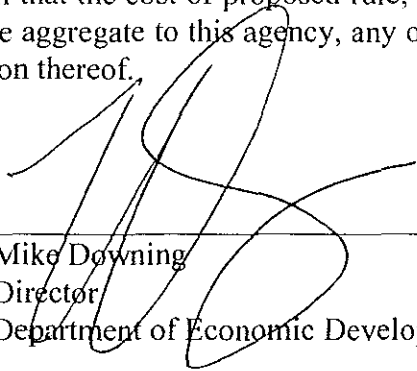
A handwritten signature in black ink, appearing to read "Justin D. Smith".

Justin D. Smith
Deputy Counsel

**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 5th day of January, 2017, I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on Dec 13, 2019



DAWN ELLEN OVERBEY
My Commission Expires
December 13, 2019
Moniteau County
Commission #16456885



Notary Public

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JUL 27 2017

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

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

COPY

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.

JOINT COMMITTEE ON

JUL 27 2017

ADMINISTRATIVE RULES

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than October 2, 2017, and should include a reference to Commission Case No. EX-2017-0153. 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 is scheduled for 2:00 p.m., October 5, 2017, in Room 310 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 TOO Hotline 1-800-829-7541.

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.

The rule applies to small telecom companies and electric co-ops. However, no impact from the rule is expected because the small utility businesses are already required to comply with the National Electric Safety Code. The rulemaking is bringing the Commission's rules in line with the current version of the safety code. Small businesses on the customer-side of the meter should not be affected by this rule.

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.

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.