

PUC Arc Flash Hazards Mitigation Workshop

(This is an opportunity for the utility industry & the public to provide comments to Oregon PUC Staff about the implementation of NESC rules 410A3 and 420I2)

Date: Tuesday, June 17, 2008

Time: 1:00 PM to 5:00 PM

Location: Public Utility Commission Building
Main Hearing Room
550 Capitol Street NE
Salem, OR 97301

(For directions and parking, see ...
<http://www.puc.state.or.us/PUC/commission/direct.pdf>)

Purpose: *From second paragraph on page 2 & 3 in PUC Order 07-179*

"[PUC] Staff should review the impacts of the new arc-hazard standards covered in National Electrical Safety Code (NESC) Rules 410(A)(3) and 420(I)(2), and should specifically consider the effective implementation date and provide a recommendation by August 1, 2008. Commission Staff may also consider conflicts with federal and Oregon OSHA regulations, as well as cost impacts on affected utilities, operators, and interested persons in the course of its review or in a subsequent review. Workshops should begin on or after June 1, 2008, so that utilities have time to conduct their own internal reviews."

- Agenda:**
1. Introductions, purpose and ground rules.
 2. Develop outcomes for workshop.
 3. Take industry and public comments in person or in writing. Comments should address all the items in a. through d (shown below).
 4. Make conclusions and consider recommendations to the Commission.
 5. Adjourn the workshop.

PUC Staff Needs: Presented and written comments should include the following:

- a. Issues in meeting January 1, 2009 effective date?
- b. Implementation successes or issues;
- c. Cost impacts
- d. Conflicts with Federal and Oregon OSHA regulations

PUC Staff: Jerry Murray, PUC, (503) 378-6626
JR Gonzalez, PUC, (503) 373-1531
Gary Putnam, PUC, (503) 373-1832

OR-OSHA Staff: Ron Haverkost, OR-OSHA, (503) 947-7421

ORDER NO. 07-179

ENTERED 05/09/07

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 513

In the Matter of)
)
An Amendment to Adopt the 2007) ORDER
National Electrical Safety Code.)

DISPOSITION: RULE AMENDMENT ADOPTED

This rulemaking considers adoption of the most current version of the National Electrical Safety Code (NESC). ORS 757.035(3) provides, in part, "the commission may adopt by rule any revision or edition of or amendment to the National Electrical Safety Code approved by the American National Standards Institute after July 14, 1977, and in effect on the date of adoption by the commission." The American National Standards Institute approved the 2007 edition of the NESC on June 16, 2006. The NESC contains basic provisions that relate to the safety of employees and the public.

On March 14, 2007, the Commission filed a Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact with the Secretary of State. The Commission also provided notice to legislators specified in ORS 183.335(1)(d), and to all interested persons on the service lists maintained pursuant to OAR 860-011-0001. Notice of the rulemaking was published in the Oregon Bulletin on April 1, 2007.

On April 11, 2007, Staff submitted comments in support of adoption of the revised NESC. Staff also noted concerns related to adoption of the arc-hazard rules, which govern fire risk to electrical workers and are also covered by Oregon Occupational and Safety Hazard Administration (OSHA) rules. Staff summarized its notification of industry participants prior to the beginning of the docket and attached earlier comments made by participants, which further highlighted concerns regarding the arc-hazard rules. Staff had also held a workshop on February 27, 2007, which included representatives of utilities, utility providers and operators, industry associations, and others. Staff indicated that industry response was in favor of adopting the revised NESC.

On April 20, 2007, Portland General Electric Company (PGE) submitted comments supporting the rulemaking, but also requesting that the Commission hold a workshop or meeting on or about June 1, 2008, in which the impacts of the arc-hazard rules, the possible conflicts with other rules, and effective implementation dates will be discussed. PGE also requested that a provision be adopted in the Oregon Administrative Rules allowing Commission waiver from the rules contained in the NESC for specific

regulations, as well as cost impacts on affected utilities, operators, and interested persons in the course of its review or in a subsequent review. Workshops should begin on or after June 1, 2008, so that utilities have time to conduct their own internal reviews.


Finally, regarding the waiver provision, OAR 860-024-0012(4) states: "For good cause shown, or where equivalent safety can be achieved, unless otherwise prohibited by law, the Commission may for a specific installation waive the requirements of OAR 860-024-0012." The remainder of the rule discusses prioritization of repairs. In addition, section 1, provision 013 of the NESC provides that the NESC rules "shall apply to all new installations and extensions, except that they may be waived or modified by the administrative authority. When so waived or modified, safety shall be provided in other ways." Provision 013 also allows currently existing installations to comply with earlier editions of the Code, and provision 014 applies to emergency and temporary overhead installations. Staff has asserted that these waiver provisions are adequate, and PGE has not shown that they are not. No new waiver provision will be adopted at this time.

ORDER

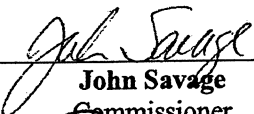
IT IS ORDERED that:

1. The amended rule, set forth in Appendix A, is adopted and will become effective upon filing with the Secretary of State.
2. Commission Staff is directed to review the arc-hazard rules in the 2007 NESC code as specified in this order.

Made, entered, and effective MAY 09 2007



Lee Beyer
 Chairman



John Savage
 Commissioner



Ray Baum
 Commissioner



A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.



OREGON
RURAL
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"The Power of Community"

April 28, 2008

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P.U.C.

Mr. Jerry Murray
Public Utility Commission
550 Capitol St. NE Ste 215
Salem, OR 97301-2551

Dear Jerry:

On behalf of the 18 electric cooperatives in Oregon, I am respectfully requesting the assistance of the Public Utility Commission in asking for a delay in the January 1, 2009 implementation date for the new NESC Arc Flashing Protection Standards.

There is great concern by the co-ops with the complexity of the changes required to meet these new standards. Providing the necessary training by January 1st is an unrealistic time-frame. Co-op Managers will be challenged to perform the assessment and implementation process in an effective and timely manner.

A delay in the mandatory implementation date would provide additional time necessary for the co-ops to further understand the standards and implement the requirements.

We would very much appreciate your assistance in requesting the Commission ask for a delay for all utilities in Oregon.

Thank you for your consideration

Sincerely,

Sandy Flicker
Executive Director

Cc: Co-op Managers