

0000032929

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

JUN 04 1999

CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
TONY WEST
COMMISSIONER

DOCKETED BY *sd*

IN THE MATTER OF THE PROPOSED
AMENDMENT TO CONFORM TO NATIONAL
ELECTRICAL SAFETY CODE EDITION.

DOCKET NO. RE-00000C-99-0028

DECISION NO. 61740

OPINION AND ORDER

DATE OF HEARING: May 6, 1999
PLACE OF HEARING: Phoenix, Arizona
PRESIDING OFFICER: Marc E. Stern
APPEARANCES: Mr. Christopher Kempsey, Assistant Chief Counsel, Legal Division, on behalf of the Utilities Division of the Arizona Corporation Commission.

BY THE COMMISSION:

On February 26, 1999, the Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission") forwarded a proposal to the Commission recommending that the Commission amend its Rules governing electric and telephone utilities by incorporating by reference the most recent edition of the National Electrical Safety Code ("NESC").

On March 11, 1999, the Commission issued Decision No. 61559 which directed that the Hearing Division schedule a hearing on Staff's proposed amendments to the Commission's Rules.

Pursuant to Decision No. 61559, the Hearing Division scheduled a public comment hearing on the above-captioned matter.

On March 19 and April 2, 1999, the Notice of Rulemaking Docket Opening and Notice of Proposed Rulemaking, respectively, were published by the Arizona Secretary of State's Office in the Arizona Administrative Register.

On May 6, 1999, a public comment hearing was held before a duly authorized Hearing Officer of the Commission at its offices in Phoenix, Arizona. There were no interested parties in attendance at the proceeding, but U S WEST Communications, Inc. ("US WEST") submitted written

1 comments on Staff's proposed changes to the Rules. Following the conclusion of the proceeding, the
 2 matter was taken under advisement pending submission of a Recommended Opinion and Order to the
 3 Commission.

4 * * * * *

5 Having considered the entire record herein and being fully advised in the premises, the
 6 Commission finds, concludes, and orders that:

7 **FINDINGS OF FACT**

8 1. On February 26, 1999, Staff forwarded to the Commission proposed amendments to
 9 A.A.C. R14-2-207, R14-2-208, R14-2-506, R14-2-507 in order to update the aforementioned Rules
 10 by incorporating by reference the most recent edition of the NESC which was published in 1997.

11 2. The purpose of the proposed amendments is to conform the above-referenced
 12 Commission Rules to the most recent edition of the NESC which is required pursuant to the terms of
 13 the Commission's agreement with the American National Standards Institute ("ANSI").

14 3. Staff believes that the proposed amendments will be beneficial to the general public by
 15 maintaining the safe installation and operation of electric and telecommunication facilities.

16 4. On March 11, 1999, the Commission issued Decision No. 61559 which directed that a
 17 hearing be scheduled regarding the proposed amendments for the purpose of taking public comments.
 18 By Procedural Order, a public comment hearing was scheduled for May 6, 1999.

19 5. Pursuant to law, Notice of Rulemaking Docket Opening and Notice of Proposed
 20 Rulemaking were given on March 19 and April 2, 1999, respectively, in the Arizona Administrative
 21 Register.

22 6. On April 22, 1999, US WEST filed written comments with respect to the above-
 23 referenced rules wherein US WEST indicated that it supported Staff's proposed amendments to
 24 reflect the 1997 version of the ANSI, C2, NESC.

25 7. On May 6, 1999, the hearing was held as scheduled and no member of the public
 26 appeared to comment on the amendments to the above-referenced Commission Rules.

27 8. The Proposed Amended Rules are set forth in Appendix A, attached hereto and
 28 incorporated herein by reference.

1 IT IS FURTHER ORDERED that the Commission's Utilities Division shall submit the
2 amended Rules A.A.C. R14-2-207, R14-2-208, R14-2-506 and R14-2-507, to the Office of the
3 Secretary of State.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

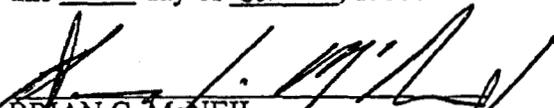
5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

6
7 
8 CHAIRMAN

9
10 COMMISSIONER

11 
12 COMMISSIONER

13 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
14 Secretary of the Arizona Corporation Commission, have
15 hereunto set my hand and caused the official seal of the
16 Commission to be affixed at the Capitol, in the City of Phoenix,
17 this 4th day of June, 1999.

18 
19 BRIAN C. McNEIL
20 EXECUTIVE SECRETARY

21 DISSENT _____
22 MES:bbs

SERVICE LIST FOR:

NATIONAL SAFETY CODE EDITION

2 DOCKET NO.

RE-00000C-99-0028

3

4 Mr. John H. Zamar
5 Manager
6 Ajo Improvement Company
7 P. O. Drawer 9
8 Ajo, Arizona 85321

Mr. Jack Shilling
General Manager
Duncan Valley Electric Cooperative, Inc.
P.O. Box 440
Duncan, Arizona 85534

7 Mr. Donald W. Kimball
8 Executive VP/General Manager
9 Arizona Electric Power Cooperative
10 Post Office Box 670
11 Benson, Arizona 85602-0670

Mr. Karl Albrecht
General Manager
Garkane Power Association, Inc.
P.O. Box 790
Richfield, Utah 84701

10 Mr. Bill Post
11 Chief Executive Officer
12 Arizona Public Service Company
13 P. O. Box 53999
14 Phoenix, Arizona 85072-3999

Mr. Nelson Peck
General Manager
Graham County Electric Cooperative, Inc.
P.O. Drawer B
Pima, Arizona 85543

14 Mr. Steve Pebley
15 District Manager
16 Citizens Utilities Company
17 Mohave County Division
18 Post Office Box 3099
19 Kingman, Arizona 86402

Mr. Robert E. Broz
General Manager
Mohave Electric Cooperative, Inc.
P.O. Box 1045
Bullhead City, Arizona 86430

16 Mr. Ernesto Ojeda
17 District Manager
18 Citizens Utilities Company
19 Santa Cruz County Division
20 P.O. Box 280
21 Nogales, Arizona 85628

Mr. Dennis True
Manager
Morenci Water and Electric Company
P.O. Box 68
Morenci, Arizona 85540

20 Mr. Michael D. Fletcher
21 General Manager
22 Columbus Electric Cooperative, Inc.
23 P.O. Box 631
24 Deming, New Mexico 88031

Mr. Wayne Retzlaff
General Manager
Navopache Electric Cooperative, Inc.
P.O. Box 308
Lakeside, Arizona 85929

23 Mr. Fred A. Lackey
24 Manager
25 Continental Divide Electric Cooperative, Inc.
26 P.O. Box 1087
27 Grants, New Mexico 87020

Mr. Creden W. Huber
Sulphur Springs Valley Electric
Cooperative, Inc.
P.O. Box 820
Willcox, Arizona 85644

27 Mr. Leon Bowler
28 General Manager
Dixie Escalante Rural Electric
Association, Inc.
HC 76 Box 95
Beryl, Utah 84714

Mr. Marvin Athey
General Manager
Trico Electric Cooperative, Inc.
P.O. Box 35970
Tucson, Arizona 85740-5970

1 Lex Smith
 Michael Patten
 Brown & Bain P.A.
 2 2901 N. Central Ave.
 P.O. Box 400
 3 Phoenix, Arizona 85001-0400

4 Daniel Waggoner
 Mary E. Steele
 5 2600 Century Square
 1501 Fourth Avenue
 6 Seattle, Washington 98101-1688

7 Richard S. Wolters
 AT&T & TCG
 8 Law and Government Affairs
 1875 Lawrence Street, Suite 1575
 9 Denver, Colorado 80202

10 Thomas F. Dixon, Jr.
 MCI Telecommunications Corp.
 11 707 Seventeenth Street
 Denver, Colorado 80202

12 Thomas L. Mumaw
 13 Snell & Wilmer, L.L.P.
 One Arizona Center
 14 400 East Van Buren
 Phoenix, Arizona 85004-0001

15 Donald A. Low
 16 Sprint Communications Company, L.P.
 8140 Ward Parkway 5e
 17 Kansas City, Missouri 64114

18 Greg Patterson
 Residential Utility Consumer Office
 19 2828 N Central Ave, Suite 1200
 Phoenix, Arizona 85004

20 Richard Smith
 21 Cox Communications, Inc.
 Two Jack London Square
 22 Oakland, California 94607

23 Mr. John Kelly
 Executive Assistant To The Governor
 24 Office Of The Governor
 1700 West Washington Street
 25 Phoenix, Arizona 85007

26 Jessica Youle
 Salt River Project - PAB300
 27 P O Box 52025
 Phoenix, Arizona 85072-2025

28

Patricia L VanMidde
 AT&T Communications Of
 The Mountain States
 2800 North Central Avenue Suite 828
 Phoenix, Arizona 85004

Mr. Raymond Heyman
 Roshka Heyman & DeWulf
 400 North 5th Street Suite 1000
 Phoenix, Arizona 85004

Ms Penny H. Bewick
 Electric Lightwave
 4400 NE 77th Avenue
 Vancouver, WA 98662

Mr. Michael Grant
 Gallagher & Kennedy
 2600 North Central
 Phoenix, Arizona 85004-3020

Ms Joan C Hinson
 TCA Arizona Chapter President
 Telecommunications Association
 John C Lincoln Hospital
 250 East Dunlap
 Phoenix, Arizona 85020

Mr. Rollie Nehring
 Arizona Telephone Company
 5253 North Dromedary Road
 Phoenix, Arizona 85018

Mr. Leroy Piant
 Valley Telephone Cooperative Inc
 P O Box 970
 752 East Maley
 Willcox, Arizona 85644

Mr. Kenneth F Melley, Jr
 U S Long Distance Inc
 9311 San Pedro - Suite 300
 San Antonio, TX 78216

Mr Rick Mcallister
 Manager Regulatory
 Alltel Western Region
 P O Box 3373
 Little Rock, AR 72203-3373

Ms Deborah Scott - Attorney
 Citizens Utilities Company
 2901 N Central Avenue - Suite 1660
 Phoenix, Arizona 85012-2736

1 Ms. Maureen Arnold
 U S West Communications
 3033 N 3rd Street
 2 Phoenix, Arizona 85012

3 Mr Jamal Allen Attorney
 O'connor Cavanaugh Anderson
 4 Westover & Beshears
 One East Camelback - Suite 1100
 5 Phoenix, Arizona 85012

6 Mr John O Laue
 Communications Engineering Supervisor
 7 City Of Tempe
 Management Services Department
 8 132 East 6th Street Suite B109
 Tempe, Arizona 85280

9 Mr Fred M Shepherd Nce
 Telephone Division Manager
 10 Tohono O'odham Utility Authority
 P O Box 816
 11 Sells, Arizona 85634

12 Mr. Darel Eschbach
 Executive Director
 Telecommunications Services
 14 Arizona State University
 Box 870201
 15 Tempe, Arizona 85287-0201

16 Mr. Jim Broshar
 Executive Vice President
 17 Rocky Mountain Telecom Association
 10105 East Via Linda, Suite 103-340
 18 Scottsdale, Arizona 85258

19 Ms. Sue Williams
 Director Regulatory Affairs
 20 Teltrust Communications Services Inc
 221 North Charles Lindbergh Drive
 21 Salt Lake City, UT 84116

22 Mr. Mike Laughlin
 Director Of Operations
 23 Norstan Communications
 6900 Wedgewood Road
 24 Maple Grove, MN 55311

25 Jim Wortham
 Administrator
 Fire Department Computer Services
 City Of Phoenix
 27 150 S 12th Street
 Phoenix, Arizona 85034

28

Brad Carroll
 TEP - Legal Department
 220 West Sixth Street
 P O Box 711
 Tucson, Arizona 85702

Terry Trapp, President
 U S Communications Unlimited, Inc
 274 Snyder Mountain Road
 Evergreen, Colorado 80439

J. Scott Nichols
 U S One Communications
 1320 Chain Bridge Rd Suite 350
 Mclean, Virginia 22101

Tom Bade
 Greg Riggle
 Gcb Communications
 1025 E Broadway Suite 201
 Tempe, Arizona 85282

Martin A Aronson
 Morrill & Aronson
 One East Camelback
 Suite 1100
 Phoenix, Arizona 85012-1656

Ian Calkins
 Public Affairs Director
 Phoenix Chamber Of Commerce
 201 N Central Ave 27th Floor
 Phoenix, Arizona 85073

Jack Trahan
 Western Electronics And
 Communications
 2332 Kingman Avenue
 Kingman, Arizona 86401

David N Porter
 Worldcom Inc
 Aka MFS Communications Co Inc
 1120 Connecticut Street N W Suite 400
 Washington, DC 20036

Jesse W Sears
 Assistant Chief Counsel
 City Attorney's Office
 City Of Phoenix
 200 West Washington, 13th Floor
 Phoenix, Arizona 85003-1611

1	J. Jeffrey Mayhook GST Telecom 4001 Main Street Vancouver, Washington 98114	Regulatory Affairs Centurytel Of The Southwest, Inc. P. O. Box 4065 Monroe, LA 71211-4065
3	Bill Meek AUIA 2100 N Central Ave Suite 210 Phoenix, Arizona 85004	Regulatory Affairs GTE California Inc. One GTE Place - CA500GCF Thousand Oaks, California 91362-3811
6	M Kimberly Roberts GTE Communications Corporation 5221 North O'Connor Blvd Irving, Texas 75039	Regulatory Affairs Midvale Telephone Exchange P. O. Box 7 Midvale, ID 83645
8	Charles R Huggins Arizona State AFL-CIO 5818 N 7th Street, #200 Phoenix, Arizona 85014-5811	Steve M. Titla San Carlos Apache Telecommunication Utility Inc. P. O. Box 701 245 S. Hill Globe, Arizona 85502
11	Ray Odom Pay Phone Network, Inc. 5306 North 8 th Avenue Phoenix, Arizona 85013	Regulatory Affairs South Central Utah Telephone Assoc., Inc. P. O. Box 226 Escalante, Utah 84726
13	John Petersen Rio Virgin Telephone Company 61 West Mesquite Blvd. Mesquite, Nevada 89024	Regulatory Affairs Table Top Telephone Company, Inc. 600 North Second Avenue Ajo, Arizona 85321
16	Robert M. Wellings American General Payphone 3116 East Shea Blvd, Ste 252 Phoenix, Arizona 85028	Paul Bullis, Chief Counsel Legal Division ARIZONA CORPORATION COMMISSION 1200 West Washington Street Phoenix, Arizona 85007
18	John Decastro Smart-Tel, Inc. P. O. Box 47025 Phoenix, Arizona 85068	Director, Utilities Division ARIZONA CORPORATION COMMISSION 1200 West Washington Street Phoenix, Arizona 85007
21	Steven Brown Intermedia Communications, Inc. 3625 Queen Palm Drive Tampa, Florida 33619	
23	Jack Kelley KLP, Inc. 1201 South Alma School Road Suite 2000 Mesa, Arizona 85210	
26	Regulatory Affairs Accipiter Communications Incorporated P. O. Box 11929 Glendale, Arizona 85318-1929	

APPENDIX A

Electric Utilities

R14-2-207. Line Extensions

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. Single phase underground extensions in subdivision developments.
 - 1. No change.
 - 2. No change.
 - 3. Installation of single phase underground electric lines within a subdivision.
 - a. No change.
 - b. No change.
 - c. The utility shall install or cause to be installed underground electric lines and related equipment in accordance with the applicable provisions of the ~~1993~~ 1997 edition (and no further editions) of ANSI C2 (National Electrical Safety Code) with sufficient capacity and suitable materials which shall assure adequate and reasonable electric service in the foreseeable future. ANSI C2 is incorporated by reference, and on file with the Office of the Secretary of State. Copies are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017.
 - d. No change.
 - 4. No change.
 - 5. No change.

R14-2-208. Provision of Service

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.

F. Construction standard and safety

1. Each utility shall construct all facilities in accordance with the provisions of the ~~1993~~ 1997 edition (and no future editions) of ANSI C2 (National Electrical Safety Code), incorporated by reference and on file with the Office of the Secretary of State, and the 1995 edition (and no future editions) of ANSI B31.1 (ASME Code for Pressure Piping), incorporated by reference and on file with the Office of the Secretary of State. Copies of the National Electrical Safety Code are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017. Copies of the ASME Code for Pressure Piping are available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.
2. No change.

Article 5. Telephone Utilities

R14-2-506. Construction Agreement

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. Underground extension of communication lines
 1. No change.
 2. No change.
 3. Installation of underground communication lines within subdivision and multiple occupancy residential developments:
 - a. No change.
 - b. No change.
 - c. The utility shall install or cause to be installed underground communication lines and related equipment in accordance with the applicable provisions of the 1997 edition (and no future editions) of ANSI C2 (National Electrical Safety Code) ~~as heretofore or hereafter amended,~~ with sufficient capacity and suitable materials which shall assure adequate and reasonable communication service in the foreseeable future.
 - d. No change.
 4. No change.
- F. No change.
- G. No change.

R14-2-507. Provision of Service

A. No change.

B. No change.

C. No change.

D. No change.

E. Construction Standards

1. Each utility shall construct all facilities in accordance with the provisions of the ~~1993~~ 1997 edition (and no future editions) of ANSI C2 (National Electrical Safety Code), incorporated by reference and on file with the Office of the Secretary of State. Copies are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, New York 10017.

ECONOMIC IMPACT STATEMENT
PER A.R.S. SECTION 41-1053

1. **BRIEF DESCRIPTION:** These amendments will amend already existing rules (R14-2-207, R14-2-208, R14-2-506, and R14-2-507) under Chapter 2 entitled "Corporation Commission – Fixed Utilities".

The proposed amendments to the existing rules are designed to update the Arizona Corporation Commission Fixed Utilities rules to recognize the amendments to ANSI C2, National Electrical Safety Code (the federal safety standards for overhead and underground electric and telecommunication facilities.)
2. **NEED:** Construction code needs to be updated to conform to current industry standard.
3. **AFFECTED CLASSES OF PERSONS:** Electric utilities and telecommunications companies subject to the jurisdiction of the Commission.
4. **RULE IMPACT ON AFFECTED CLASSES OF PERSONS:** This rule should allow the affected utilities to use the latest version of the National Electrical Safety Code.
5. **COST AND BENEFITS TO THE AGENCY:** There is no benefit to the agency as an institution. This rule should help carry out the agency's mission of efficient governance.
6. **COST AND BENEFITS TO POLITICAL SUBDIVISIONS:** Not applicable.
7. **COST AND BENEFITS TO PRIVATE PERSONS:** This should allow contractors to utilities to use only one electrical safety code as they presumably do in their operations with unregulated entities.
8. **COST AND BENEFITS TO CONSUMERS OR USERS OF ANY PRODUCT OR SERVICE IN THE IMPLEMENTATION OF THE NEW RULES:** Lower costs to providers means lower costs to consumers.

9. **LESS COSTLY OR INTRUSIVE METHODS:** None.
10. **ALTERNATIVE METHODS CONSIDERED:** There are no less costly alternatives available.

APPENDIX C

CONCISE EXPLANATORY STATEMENT

The Commission's proposed amendments to A.A.C. R14-2-207, R14-2-208, R14-2-506, and R14-2-507 will update the Commission's Rules governing electric utilities and telephone utilities by referencing the most recent edition of the National Electric Safety Code of the American National Standards Institute by maintaining the safe installation and operation of electric and telecommunication facilities.