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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

MAR 15 1999

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JIM IRVIN
Commissioner-Chairman
TONY WEST
Commissioner
CARL J. KUNASEK
Commissioner

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

) DOCKET NO. RE-00000C-99-0028
) DECISION NO. 61559
) **ORDER**

Open Meeting
March 9-10, 1999
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On January 19, 1999, Arizona Corporation Commission Staff opened Docket No. RE-00000C-99-0028, and forwarded to the Commission proposed amendments to A.A.C. R14-2-207, R14-2-208, R14-2-506, and R14-2-507.
2. R14-2-207, R14-2-208, R14-2-506, and R14-2-507 reference the American National Standards Institute, C2, National Electrical Safety Code 1993 edition, which has been updated.
3. Staff has recommended that the proposed amendments to the Rules be forwarded to the Secretary of State for publication of the Notice of Proposed Rulemaking. Staff has also recommended that the Hearing Division schedule a hearing on the proposed amendments to the Rules in Phoenix or Tucson, Arizona, no sooner than May 3, 1999.

CONCLUSION OF LAW

The Commission has the authority for the proposed rule under A.R.S. §§ 40-202, 40-203, 40-321, 40-441 and 40-442 et seq. and under the Arizona Constitution, art. XV, Sections 1, 2, 3, 4, 6, 7, and 9.

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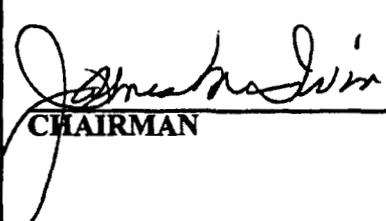
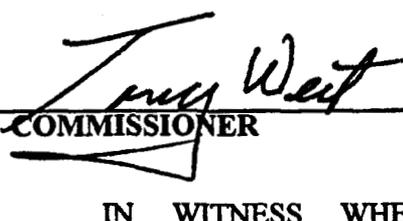
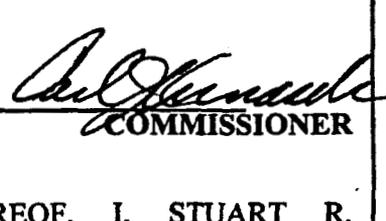
ORDER

THEREFORE, IT IS ORDERED that the Hearing Division schedule hearings
this matter in Phoenix or Tucson, Arizona, no sooner than May 3, 1999.

IT IS FURTHER ORDERED that a Notice of Proposed Rulemaking be forwarded
to the Office of the Secretary of State.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

		
CHAIRMAN	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, STUART R. BRACKNEY, Acting Executive Secretary of the Arizona Corporation Commission, have hereunto set hand and caused the official seal of this Commission be affixed at the Capitol, in the City of Phoenix, this 11 day of March, 1999.


STUART R. BRACKNEY
Acting Executive Secretary

DISSENT _____

RW:js/PB:cb

1 SERVICE LIST FOR:

PROPOSED AMENDMENT TO CONFORM TO
NATIONAL ELECTRICAL SAFETY CODE EDITION

2 DOCKET NO.:

RE-00000C-99-0028

3 Mr. John H. Zamar
4 Manager
Ajo Improvement Company
5 P. O. Drawer 9
Ajo, Arizona 85321Mr. Jack Shilling
General Manager
Duncan Valley Electric Cooperative, Inc.
P.O. Box 440
Duncan, Arizona 855346 Mr. Donald W. Kimball
7 Executive VP/General Manager
Arizona Electric Power Cooperative
8 Post Office Box 670
Benson, Arizona 85602-0670Mr. Karl Albrecht
General Manager
Garkane Power Association, Inc.
P.O. Box 790
Richfield, Utah 847019 Mr. Bill Post
10 Chief Executive Officer
Arizona Public Service Company
11 P. O. Box 53999
Phoenix, Arizona 85072-3999Mr. Nelson Peck
General Manager
Graham County Electric Cooperative, Inc.
P.O. Drawer B
Pima, Arizona 8554312 Mr. Steve Pebley
13 District Manager
Citizens Utilities Company
14 Mohave County Division
Post Office Box 3099
15 Kingman, Arizona 86402Mr. Robert E. Broz
General Manager
Mohave Electric Cooperative, Inc.
P.O. Box 1045
Bullhead City, Arizona 8643016 Mr. Ernesto Ojeda
District Manager
17 Citizens Utilities Company
Santa Cruz County Division
18 P.O. Box 280
Nogales, Arizona 85628Mr. Dennis True
Manager
Morenci Water and Electric Company
P.O. Box 68
Morenci, Arizona 8554019 Mr. Michael D. Fletcher
20 General Manager
Columbus Electric Cooperative, Inc.
21 P.O. Box 631
Deming, New Mexico 88031Mr. Wayne Retzlaff
General Manager
Navopache Electric Cooperative, Inc.
P.O. Box 308
Lakeside, Arizona 8592922 Mr. Fred A. Lackey
23 Manager
Continental Divide Electric Cooperative, Inc.
24 P.O. Box 1087
Grants, New Mexico 87020Mr. Creden W. Huber
Sulphur Springs Valley Electric
Cooperative, Inc.
P.O. Box 820
Willcox, Arizona 8564425 Mr. Leon Bowler
26 General Manager
Dixie Escalante Rural Electric
27 Association, Inc.
HC 76 Box 95
28 Beryl, Utah 84714Mr. Marvin Athey
General Manager
Trico Electric Cooperative, Inc.
P.O. Box 35970
Tucson, Arizona 85740-5970

1 Mr. James Pignatelli
Chief Executive Officer
2 Tucson Electric Power Company
P.O. Box 711
3 Tucson, Arizona 85702

4 Lex Smith
Michael Patten
5 Brown & Bain P.A.
2901 N. Central Ave.
6 P.O. Box 400
Phoenix, Arizona 85001-0400
7 Attorneys For ACSI, ELI, Cox

8 Daniel Waggoner
Mary E. Steele
9 2600 Century Square
1501 Fourth Avenue
10 Seattle, Washington 98101-1688

11 Deborah S. Waldbaum, Esq.
Western Region Office
12 201 North Civic Drive, Suite 210
Walnut Creek, California 94596

13 Thomas F. Dixon, Jr.
14 MCI Telecommunications Corp.
707 Seventeenth Street
15 Denver, Colorado 80202

16 Thomas L. Mumaw
Snell & Wilmer, L.L.P.
17 One Arizona Center
400 East Van Buren
18 Phoenix, Arizona 85004-0001
Attorneys For Brooks Fiber
19 Communications Of Tucson,

20 Donald A. Low
Sprint Communications Company, L.P.
21 8140 Ward Parkway 5c
Kansas City, Missouri 64114

22 Greg Patterson
23 Residential Utility Consumer Office
2828 N Central Ave, Suite 1200
24 Phoenix, Arizona 85004

25 Richard Smith
Cox Communications, Inc.
26 Two Jack London Square
Oakland, California 94607
27
28

John Lundin
Gallagher & Kennedy
2600 North Central Avenue
Phoenix, Arizona 85004

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

Richard Silver Man
General Manager
Salt River Project - Pab300
P O Box 52025
Phoenix, Arizona 85072-2025

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 Pilant
Valley Telephone Cooperative Inc
P O Box 970
752 East Maley
Willcox, Arizona 85644

1 Mr. Kenneth F Melley, Jr
 U S Long Distance Inc
 2 9311 San Pedro - Suite 300
 San Antonio, TX 78216

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

6 Mr Steve Wheeler
 7 Mr. Jeffrey Crockett
 Snell & Wilmer
 8 One Arizona Center
 400 East Van Buren Street
 9 Phoenix, Arizona 85004-0001

10 Ms Deborah Scott - Attorney
 Citizens Utilities Company
 11 2901 N Central Avenue - Suite 1660
 Phoenix, Arizona 85012-2736

12 Charles E Born
 13 Citizens Utilities Company
 7901 Freeport Blvd., Suite 200
 14 Sacramento, CA 95832

15 Ms. Maureen Arnold
 U S West Communications
 16 3033 N 3rd Street
 Phoenix, Arizona 85012

17 Mr Joe Hanley Manager
 18 Arizona Telephone Company
 2236 West Shangri-La Road
 19 Phoenix, Arizona 85029

20 Mr Jamal Allen Attorney
 O'connor Cavanaugh Anderson
 21 Westover & Beshears
 One East Camelback - Suite 1100
 22 Phoenix, Arizona 85012

23 Mr John O Laue
 Communications Engineering Supervisor
 24 City Of Tempe
 Management Services Department
 25 132 East 6th Street Suite B109
 Tempe, Arizona 85280

26
 27
 28

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

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

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

Mr Tim Delaney
 Brown & Bain Pa
 2901 North Central
 P O Box 400
 Phoenix, Arizona 85001-0400

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

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

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

Catherine A Nichols
 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

1 J. Scott Nichols
U S One Communications
2 1320 Chain Bridge Rd Suite 350
McLean, Virginia 22101
3
4 Tom Bade
Greg Riggle
Gcb Communications
5 1025 E Broadway Suite 201
Tempe, Arizona 85282
6
7 Martin A Aronson
Morrill & Aronson
One East Camelback
8 Suite 1100
Phoenix, Arizona 85012-1656
9
10 Ian Calkins
Public Affairs Director
Phoenix Chamber Of Commerce
11 201 N Central Ave 27th Floor
Phoenix, Arizona 85073
12
13 Jack Trahan
Western Electronics And
Communications
14 2332 Kingman Avenue
Kingman, Arizona 86401
15
16 David N Porter
Worldcom Inc
Aka MFS Communications Co Inc
17 1120 Connecticut Street N W Suite 400
Washington, DC 20036
18
19 Jesse W Sears
Assistant Chief Counsel
City Attorney's Office
20 City Of Phoenix
200 West Washington, 13th Floor
21 Phoenix, Arizona 85003-1611
22
23 J. Jeffrey Mayhook
GST Telecom
4001 Main Street
Vancouver, Washington 98114
24
25 Bill Meek
AUIA
2100 N Central Ave Suite 210
26 Phoenix, Arizona 85004
27
28

M Kimberly Roberts
GTE Communications Corporation
5221 North O'Connor Blvd
Irving, Texas 75039

Charles R Huggins
Arizona State AFL-CIO
5818 N 7th Street, #200
Phoenix, Arizona 85014-5811

Ray Odom
Pay Phone Network, Inc.
5306 North 8th Avenue
Phoenix, Arizona 85013

John Petersen
Rio Virgin Telephone Company
61 West Mesquite Blvd.
Mesquite, Nevada 89024

Robert M. Wellings
American General Payphone
3116 East Shea Blvd, Ste 252
Phoenix, Arizona 85028

John Decastro
Smart-Tel, Inc.
P. O. Box 47025
Phoenix, Arizona 85068

Steven Brown
Intermedia Communications, Inc.
3625 Queen Palm Drive
Tampa, Florida 33619

Jack Kelley
KLP, Inc.
1201 South Alma School Road
Suite 2000
Mesa, Arizona 85210

Joe Housner
Navajo Communications Company, Inc.
P. O. Box Drawer 707
Window Rock, Arizona 86515

Regulatory Affairs
Accipiter Communications Incorporated
P. O. Box 11929
Glendale, Arizona 85318-1929

Regulatory Affairs
Centurytel Of The Southwest, Inc.
P. O. Box 4065
Monroe, LA 71211-4065

- 1 Regulatory Affairs
Copper Valley Telephone, Inc.
2 P. O. Box 970
Willcox, Arizona 85644
- 3 Regulatory Affairs
4 Navajo Communications Company
P.O. Box Drawer 707
5 Window Rock, Arizona 86515
- 6 Regulatory Affairs
GTE California Inc.
7 One GTE Place - CA500GCF
Thousand Oaks, California 91362-3811
- 8 Regulatory Affairs
9 Midvale Telephone Exchange
P. O. Box 7
10 Midvale, ID 83645
- 11 Steve M. Titla
San Carlos Apache Telecommunication
12 Utility Inc.
P. O. Box 701
13 245 S. Hill
Globe, Arizona 85502
- 14 Regulatory Affairs
15 South Central Utah Telephone
Assoc., Inc.
16 P. O. Box 226
Escalante, Utah 84726
- 17 Regulatory Affairs
18 Table Top Telephone Company, Inc.
600 North Second Avenue
19 Ajo, Arizona 85321
- 20 Regulatory Affairs
Valley Telephone Cooperative, Inc.
21 752 East Malley Street
P. O. Box 970
22 Willcox, Arizona 85643
- 23 Paul Bullis, Chief Counsel
Peter Breen, Commission Counsel
24 Legal Division
Arizona Corporation
25 Commission
1200 West Washington Street
26 Phoenix, Arizona 85007
- 27
- 28

Ray Williamson, Acting Director
Utilities Division
Arizona Corporation
Commission
1200 West Washington Street
Phoenix, Arizona 85007

NOTICE OF PROPOSED RULEMAKING

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS;

SECURITIES REGULATION

CHAPTER 2: CORPORATION COMMISSION – FIXED UTILITIES

PREAMBLE

1.

Sections Affected	Rulemaking Action
Article 2	
R14-2-207	Amend
R14-2-208	Amend
Article 5	
R14-2-506	Amend
R14-2-507	Amend

2.

The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 40-202, 40-203, 40-321, 40-441 and 40-442 et seq.

Constitutional authority: Arizona Constitution, Article 15

Implementing statute: Not applicable

3.

The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Peter Breen, Attorney, Legal Division

Address: Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Telephone: (602) 542-3402

Facsimile Number: (602) 542-4870

Name: Ron Franquero, Utilities Consultant

Address: Arizona Corporation Commission

1200 West Washington Street

Phoenix, Arizona 85007

Telephone: (602) 542-7275

Facsimile Number: (602) 542-2129

4. An explanation of the rule, including the agency's reasons for initiating the rule:

This is an update of the Commission's rules to conform to the current standards of the National Electrical Safety Code. Some affected utilities have requested the update.

5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

6. The preliminary summary of the economic, small business, and consumer impact:

This rule will have a beneficial economic, small business, and consumer impact. It will allow the latest standards to be used while working on telecommunications and electrical cable. Contractors will not have to learn two sets of rules for regulated and unregulated entities. The latest edition of the rules allows for certain efficiencies in construction practices which would save money for contractors, utilities and consumers.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Peter Breen, Attorney, Legal Division

Address: Arizona Corporation Commission

1200 West Washington Street

Phoenix, Arizona 85007

Telephone: (602) 542-3402

Facsimile Number: (602) 542-4870

Name: Ron Franquero, Utilities Consultant

Address: Arizona Corporation Commission

1200 West Washington Street

Phoenix, Arizona 85007

Telephone: (602) 542-7275

Facsimile Number: (602) 542-2129

- 8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:**

The amendments will be adopted by the Arizona Corporation Commission at a regularly scheduled Open Meeting. The notice and agenda will be posted in accordance with state law and will be mailed to those entities/individuals on the service list accompanying the Commission Decision authorizing the filing of the Notice of Proposed Rulemaking with the Secretary of State.

- 9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

- 10. Incorporations by reference and their location in the rules:**

The National Electrical Safety Code, 1997-C2 of the American National Standard Institute Standards set minimum safety standards for the installation and maintenance of overhead and underground electric and communications facilities. The regulations may be found at the Arizona Corporation Commission, Utilities Division, 1200 West Washington Street, Phoenix, Arizona 85007. These regulations are incorporated by reference in the amended rules at R14-2-207(E)(3)(c), R14-2-208(F)(1), R14-2-506(E)(3)(c) and R14-2-507(E)(1).

- 11. The full text of the rules follow:**

**TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND
ASSOCIATIONS; SECURITIES REGULATION**

CHAPTER 2: CORPORATION COMMISSION – FIXED UTILITIES

ARTICLE 2. ELECTRIC UTILITIES

R14-2-207. Line Extensions

R14-2-208 Provision of Service

ARTICLE 5. TELEPHONE UTILITIES

R14-2-506. Construction Agreement

R14-2-507. Provision of Service

Article 2. 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.

INFORMATIVE SUMMARY

The Arizona Corporation Commission proposed to amend the "Corporation Commission – Fixed Utilities" Rules R14-2-207, R14-2-208, R14-2-506, and R14-2-507. The proposed amendments update Commission rules to require use of the latest version of the National Electrical Safety Code.

The Commission's Rules recognize federal changes to ANSI C2, National Electrical Safety Code.

STATEMENT OF EFFECT ON SMALL BUSINESS

The proposed rule should have a mildly beneficial effect on small business. Contractors working around affected wires would only use one electrical code for regulated and unregulated entities. The new code allows certain cost-saving construction techniques to be used.

**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.