

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: February 19, 2002**

REGULAR	CONSENT	X	EFFECTIVE	February 15, 2002
_____		_____	DATE	_____

DATE: February 6, 2002

TO: John Savage

FROM: Renee J Sloan through Bob Sipler, Jerry Murray, Terry Lambeth and Lee Sparling

SUBJECT: AR 430: Adopt the 2002 edition of the National Electrical Safety Code in place of the 1997 edition.

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the revisions to OAR 860-024-0010, as detailed in Attachment A.

DISCUSSION:

On November 20, 2001, the Commission opened AR 430 to consider amendments to 860-024-0010, which included adoption of the 2002 edition of the National Electrical Safety Code (NESC) and housekeeping changes.

Notice of the Proposed Rulemaking was filed with the Secretary of State and was subsequently provided to all interested persons on the Commission's rule changes list. The notice set out the amendments proposed by Commission Staff, and included a Statement of Need, Statutory Authority, Principal Documents Relied Upon, and Fiscal and Economic Impact. The notice was published in the January 2002 Oregon Bulletin.

There were no written comments nor was there a request for a public hearing as a result of the notice.

The NESC is a utility safety code that is revised on a periodic national basis through an open consensus process that allows participation by interested persons and organizations. This code has been adopted to some degree since 1923 in Oregon. Beginning in 1976, with the 1973 edition, each revision of the NESC has been adopted in Oregon in its entirety and without any exceptions. The 2002 edition will replace the previous (1997) edition.

ORDER NO.

The rule proposed for adoption today is identical to the one proposed at the November 20 Public Meeting. The draft order and rule (Appendix A) are attached to this memo for your review.

PROPOSED COMMISSION MOTION:

Revisions to OAR 860-024-0010, as detailed in Attachment A, be adopted.

AR 430

ORDER NO.

ENTERED

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 430

In the Matter of a Rulemaking)
Proceeding to Revise Oregon) ORDER
Administrative Rule 860-024-0010.)

DISPOSITION: RULE AMENDED

At its November 20, 2001, public meeting, the Public Utility Commission opened a rulemaking proceeding docketed as AR 430 to consider adopting the 2002 edition of the National Electrical Safety Code and to make housekeeping changes to 860-024-0010.

On December 3, 2001, the Commission filed Notice of the Proposed Rulemaking with the Secretary of State and subsequently provided notice to all interested persons on the Commission's rule changes list. The notice set out the amendments proposed by Commission Staff, and included a Statement of Need, Statutory Authority, Principal Documents Relied Upon, and Fiscal and Economic Impact. The notice was published in the January 2002 *Oregon Bulletin*.

There were no written comments nor was there a request for a public hearing as a result of the notice.

At its public meeting on February 19, 2002, the Commission approved Staff's recommendation to adopt the proposed amendments as set forth in Appendix A.

ORDER NO.

ORDER

IT IS ORDERED that:

1. Oregon Administrative Rule 860-024-0010, attached as Appendix A and made part of this order, is adopted.
2. The rule shall become effective February 15, 2002.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
Commissioner

Joan H. Smith
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.

ORDER NO.

860-024-0010

**Construction, Operation, and Maintenance of Electrical Supply and ~~Signal~~
Communication Lines**

~~Construction, operation, and maintenance of~~ **Every operator shall
construct, operate, and maintain** electrical supply and ~~signal~~ **communication**
lines ~~shall comply in compliance~~ with the standards prescribed by the ~~1997~~ **2002**
Edition of the ~~American National Standard~~, National Electrical Safety Code
approved June ~~6, 1996~~ **14, 2001**, by the American National Standards Institute.

[Publications: The publication(s) referred to or incorporated by reference in
this rule are available from the office of the Public Utility Commission.]

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stat. Implemented: ORS 757.035

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 173, f. &
ef. 1-14-76 (Order No. 76-037); PUC 1-1978, f. 1-13-78, ef. 2-13-78 (Order No.
78-076); PUC 3-1981, f. & ef. 6-4-81 (Order No. 81-361); PUC 12-1984, f. & ef.
6-5-84 (Order No. 84-424); PUC 11-1987, f. & ef. 10-8-87 (Order No. 87-861);
PUC 6-1990, f. & cert. ef. 5-25-90 (Order No. 90-833); PUC 11-1993, f. & ef. 6-
23-93 (Order No. 93-809); PUC 13-1994, f. & ef. 8-31-94 (Order No. 94-1243);
PUC 7-1997, f. & ef. 2-6-97 (Order No. 97-032)