

May 19, 2003

To ALL Oregon Electric and Communications Utilities and Operators

Subject: **WARNING** – Public Exposure to Ground Laid Cables a Problem!

Angry customers have been calling the Oregon PUC with complaints of communication cables left on the ground across their sidewalks and lawns, draped on fences, and along their driveways. These installations have involved either ground laid cables or lines with insufficient ground clearances that are unsafe obstructions to pedestrians or vehicular traffic. They have not been guarded or marked as required by the National Electrical Safety Code (NESC) and often have been allowed to remain in place for weeks and sometimes months, well beyond the term of a reasonable emergency.

There seems to be confusion in the communication industry regarding a legal **temporary** or **emergency** installation. This has resulted in hazardous situations for the public. We ask that your organization and contractors review their practices to make sure that temporary or emergency installations comply with NESC Rules 014 and 230A when permanent installations are not possible. A temporary installation allows Grade N construction, but otherwise maintains all overhead or underground requirements of a permanent installation (height, or burial depth). Whenever an emergency installation is unavoidable, operators need to take extra care to ensure it does not endanger the public and is remedied in an expedited manner. While the emergency installation exists, it must be appropriately **marked, guarded, located, and inspected** at sufficient intervals, so that the installation does not jeopardize the safety of the public, especially children.

We ask for your cooperation in keeping emergency and temporary installations to a minimum and in getting them promptly remedied to prevent danger to the public and property. Hopefully, the information covered in attachment A, together with the NESC, will assist your organization in evaluating its emergency and temporary practices.

As a reminder, failure to comply with the provisions of NESC rules 014 and 230A for temporary and emergency conditions is considered a serious matter. Non-compliance with NESC provisions can result in Commission compliance orders per ORS 757.035 and/or fines authorized by ORS 757.990.

If you have any questions about this matter, please feel free to call Bob Sipler at 503-373-7451 or myself.

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Attachment A

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Emergency and Temporary Installations for Communication Lines

(Attention needs to be given to the following partial listing of National Electrical Safety Code (NESC) rules, Oregon Administrative Rules (OARs), and accepted industry good practice. *Italics indicate actual rule language.*)

Emergency Installations:

- Underground
 - NESC Rule 230A2d - *Supply and communication cables may be laid directly on grade if they are guarded or otherwise located so that they do not unduly obstruct pedestrian or vehicular traffic and are appropriately marked. Supply cables operating above 600V shall meet either Rule 230C or Rule 350B.*
 - NESC Rule 014A3 - *Emergency installations shall be removed, replaced or relocated, as desired, as soon as practical.*
 - OAR 952-001-0010(5) - *"Emergency" means an occurrence involving an immediate danger demanding prompt attention to prevent loss of life, or to mitigate damage to property, or to prevent interruption of essential public services (as determined by an emergency response agency or the facility operator) or to prevent a customer service outage (as determined by the facility operator).* (See page 2 of the Oregon Utilities Coordinating Council (OUCC) Standards Manual.
 - OAR 952-001-0050 (1) requires excavators to give at least two (2) business days notification to the Oregon Utility Notification Center before commencing routine excavations. There is also provision to request locates to perform emergency work with less than two (2) business days notice in OAR 952-001-0060. In either scenario, the work shall be completed as soon as practical.
 - Staff discourages the use of cable laid directly on grade for emergency installations; however, if there are no other means to remedy the emergency, cables may be installed per NESC rules 014A and 230A. If emergency provisions are used, the operator has the obligation to correct the installation to comply with the permanent provisions of the NESC as soon as practical.
 - Overhead
 - NESC Rule 014A1 - *The clearances required in NESC section 23 may be decreased for emergency installations. See NESC rule 230A for reduced clearances.*
 - NESC Rule 014A2 - *The strength of material and construction for emergency installations shall be not less than that required for Grade N construction. See NESC Rule 263.*
 - NESC Rule 014A3 – *Emergency installations shall be removed, replaced, or relocated, as desired, as soon as practical.*
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Temporary Installations:

- Underground
 - The NESC does not make any provision to install underground facilities temporarily, therefore NESC Rule 352D1 applies. This rule reads: *The distance between the top of the cable and the surface under which it is installed (depth of burial) shall be sufficient to protect the cable from damage imposed by expected surface usage.*
 - Where the NESC does not give specific requirements, it points to "accepted good practice" as the appropriate standard. Staff believes the OUCC's Standards Manual sets a reasonable standard in Oregon for the depth and placement of underground cables and lines. Refer to Joint Trench Examples on page 17 and 18 in OUCC's Standards Manual.
 - Overhead
 - NESC Rule 014B - *When an installation is temporary, or where the facilities are temporarily relocated to facilitate other work, the installation shall meet the requirements for non-temporary installations [underlining added for emphasis] *except that the strength of material and construction shall be not less than that required for Grade N construction.* See Rule 263.*
 - Refer to Part 2 of the NESC, particularly Section 23, for minimum clearance requirements.
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Some Other Relevant Requirements: NESC Rule 012 - General Rules; NESC Section 2, definitions of "guarded" and "enclosed"; & NESC Rules 214 and 313 – Inspections and Tests of Lines and Equipment.