

To: **Jerry Murray**  
Senior Electrical Engineer  
Oregon Public Utility Commission  
503-378-6626

Arc Flash Rule Interested Parties,

Please see the attached PUC Staff rulemaking proposal for extending the effective date for the Arc Flash Rule in the National Electrical Safety Code (NESC) for Oregon. The Arc Flash Rule means NESC Rule 430.A.3. . Because this is rulemaking is being requested by the utility industry, PUC Staff needs your support and help in answering the following questions. Responses to these questions are required by Oregon law (administered by the Secretary of States Office) before a formal rulemaking docket can initiated.

1. Is a six (6) month extension going to be adequate time for utilities to achieve compliance with the Arc Flash Rule? Note industry comments at <http://www.puc.state.or.us/PUC/safety/arcflash.shtml> , which include arguments both for and against delaying implementation of the Arc Flash Rule.

*The time will not be adequate to achieve compliance with the Arc Flash Rule. One year should be enough time for the formula's and IEEE tables to be corrected to include three phase fault calculations.*

2. What is going to be gained by the delayed implementation of the Arc Flash Rule?

*The employer should have enough time to be able to complete the study and provide the employee with the correct protection level of PPE.*

3. What are the fiscal and economic impacts caused by this delay? For example, are there savings to the utility industry and to utility workers?

*No savings the gain is providing the correct level of protection for the employee.*

4. What is the cost to comply with the Arc Flash Rule?

This cannot be answered until the arc-flash study is completed and the level of protection is identified and the arc-flash analysis is completed.

5. What is the impact of the Arc Flash Rule compliance on state agencies, units of local government and the public (ORS 183.335(2)(b)(E))? For example, what is the cost to municipal electric utilities? What are costs (or savings) associated with delaying the Arc Flash Rule?

*Same answer as 4 above*

6. What is the cost of compliance effect on small business (ORS 183.336)? For example, are there small businesses that include utility contractors and utility service providers who will be impacted? How are they impacted by delaying implementation of the Arc Flash Rule?

*More involved than stated above –all primary metered systems will be affected.*

- a. Estimate the number of small businesses and types of business and industries with small businesses subject to the Arc Flash Rule: **Thousands**
- b. Projected reporting, record-keeping and other administrative activities required for compliance, including costs of professional services: **Hundreds of Thousands**
- c. Equipment, supplies, labor and increased administration required for compliance:  
**To numerous to calculate**

7. How were small businesses involved in the development of this rule?

*Was primary metered companies involved in the rule making? NO*

*Who is going to contact all primary metered companies and let them know of the Part 4 work rule requirements?*

*Conclusion Statement:*

*Since OR-OSHA and PUC have work rules/standards for employers why do you want to adopt any of the work-rules in Part 4 of the NESC?*

*Has the PUC or Oregon OSHA reviewed all the work Rules in Part 4 to see if they are in compliance with OR-OSHA and the PUC?*

*Why would a regulatory agency want employers to follow two sets of work rules that are in conflict with each other?*

*I have been an IEEE member for a lot of years and I did oppose putting any work rules in the NESC for the reason stated above.*

*I asked the following question to OR-OSHA and the PUC at the very first meeting we had to discuss the adoption of the NESC:*

*Who is going enforce compliance of the Part 4 work rules—both agencies replied “That they would not do enforcement of the rule”*

*Every since the NESC put the work rules in the manual there has been no compliance effort made to enforce these rules by any agency in Oregon, Washington, Idaho or Alaska.*

*I feel that the reason is:*

*Employers cannot and will not try and teach a double standard that is in conflict with State OSHA rules and regulations.*

*As a safety professional which standard do I use to train, teach, write programs, etc. In the State of Oregon?*

*Answer: OR-OSHA, PUC and all of the NESC Safety Code 2007 except the Work Rules for the operation of electrical supply and communications lines and equipment located in Part 4*

*If Oregon adopts Part 4 then please let me know so I can tell my customers that they need to comply with Part 4 of the NESC which is in conflict with OR-OSHA 29CFR1910.269, 29CFR1926 Subpart V, 29CFR1910.268, etc.*

James F. McIntosh, PSC Utility Consultant

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Clients =Investor Owned, Primary Metered, PUD, Coop, and Municipalities –and Tele-Communications both investor owned and public.

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