Report From Agency

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of Proposed Revision of Wis. Admin. Code ch. PSC 114 as Wisconsin State Electrical Code, Volume 1 — 1-AC-223

Clearinghouse Rule 07-021

ORDER ADOPTING FINAL RULES

The Public Service Commission of Wisconsin proposes an order to repeal and recreate ch. PSC 114, Wis. Admin. Code relating to rules concerning electric safety—Revision of Volume 1 of the Wisconsin State Electrical Code.

REPORT TO THE LEGISLATURE

The Report to the Legislature is set forth as Attachment A.

FISCAL ESTIMATE

This rule change has no fiscal impact, and no financial impact on the private sector. A completed Fiscal Estimate is included as Attachment B.

EFFECTIVE DATE

These rules shall take effect on the first day of the month following publication in the *Wisconsin Administrative Register* as provided in s. 227.22(2)(intro.), Stats.

CONTACT PERSON

Questions from the media may be directed to Amanda Wollin at (608) 267-2160. Other questions regarding this matter should be directed to docket coordinator Mohammed Monawer at (608) 266-3900. Hearing or speech-impaired individuals may use the Commission's TTY

number, if calling from Wisconsin (800) 251-8345, if calling from outside Wisconsin (608) 267-1479.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed above.

Dated at Madison, Wisconsin, June 28, 2007

By the Commission:

/s/ *Sandra J. Paske*
Sandra J. Paske
Secretary to the Commission

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Attachments

REPORT TO THE LEGISLATURE

A. NEED FOR THE RULE

Chapter PSC 114, Wis. Admin. Code contains rules dealing with the safety requirements for the installation, operation, and maintenance of primarily outdoor electric supply and communications lines and facilities used by utilities, including electric and telephone suppliers, railroads, and cable television providers. The chapter adopts the latest edition of the National Electrical Safety Code (NESC) with certain changes, deletions, and additions. The NESC is revised every five years. The proposed corresponding revision of Volume 1 to adopt the new 2007 edition to the NESC is necessary to reflect the latest national code, correct existing deficiencies, and make other changes as necessary to update and improve the state code.

B. PLAIN LANGUAGE ANALYSIS

Statutory Authority: ss. 196.02 (3), 196.74, and 227.11 (2), Stats.
Statute Interpreted: s. 196.74, Stats.

History of Chapter PSC 114

This rule in final draft form involves the repeal and recreation of ch. PSC 114, Wis. Admin. Code, relating to rules concerning electric safety—Volume 1 of the Wisconsin State Electrical Code (WSEC). The Commission approved a statement of scope for this rulemaking on June 1, 2006. It was published in the *Wisconsin Administrative Register* in the Mid-June 2006 edition. A Technical Advisory Committee was established pursuant to the Commission's June 1, 2006 decision. It held meetings on September 28, 2006, November 10, 2006, and December 8, 2006.

Volume 1 has been and is based on the National Electrical Safety Code, which is also known as American National Standards Institute (ANSI) C2. In 1979, 1982, 1985, 1988, 1991, 1994, 1997 and 2003 the Commission adopted the 1977, 1981, 1984, 1987, 1990, 1993, 1997, and 2002 editions of the NESC, respectively, with certain changes, deletions and additions.

The 2007 edition of the NESC was recently issued, and a corresponding revision of Volume 1 is now desired to reflect the latest national code, correct existing deficiencies, and make other changes, as necessary, to update and improve the state code. The rules in Wis. Admin. Code ch. PSC 114 deal with safety requirements for the installation, operation, and maintenance of primarily outdoor electric supply and communications lines and facilities used by utilities, including electric and telephone suppliers, railroads, and cable television providers.

In summary, the changes being proposed reflect a routine update of ch. PSC 114 to accomplish the following:

1. Adopt the new National Electrical Safety Code—2007 and make necessary editorial revisions to update the various references to and citations of this code.

2. Delete several rules in the chapter which are now included in or covered by changes in NESC-2007.

3. Make other revisions, primarily editorial in nature, to clarify certain rules on their intended application.

Otherwise, the proposed rule changes are not considered substantive and continue unchanged most of the provisions of the present ch. PSC 114 that reflect changes from or additions to the NESC-2007 for Wisconsin application only.

C. TEXT OF THE RULE.

See Attachment A1.

D. INCORPORATION BY REFERENCE

The Commission requested approval to incorporate by reference the 2007 edition of the National Electrical Safety Code CS-2007 into the Commission's revision of Volume 1 of the Wisconsin State Electrical Code. The Attorney General consented to such incorporation by reference in a letter dated March 21, 2007. A copy of that letter is included as Attachment A3.

E. PUBLIC HEARING

Pursuant to the Commission's Notice of Hearing issued on February 19, 2007, and published in the Mid-March 2007 Administrative Register, a public hearing was held on the proposed rules before Administrative Law Judge Edward Marion at the Public Service Commission Building in Madison, on April 13, 2007.

APPEARANCES

Verizon

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For Commission Staff:

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MODIFICATIONS AFTER HEARING

The only comment involving the rules at hearing came from the Wisconsin State Telecommunications Association (WSTA). WSTA addressed when certain protective clothing requirements are triggered under the National Electrical Safety Code. A copy of their comments is included as Attachment A4. The association is concerned that its membership may accrue unnecessary costs for protective clothing that may not be needed. The Commission believes that it must err on the side of safety and that it would be unwise and unnecessary to set forth an exemption when telecommunications personnel could be exposed to safety concerns that cannot be anticipated. Any disputes as to the application of the codes are matters properly addressed by the Commission under its authority to administer the NESC and Wis. Admin. Code ch. PSC 114. Such disputes may be addressed on a case by case basis.

F. RESPONSE TO LEGISLATIVE COUNCIL REPORT

All of the significant form, style, and editorial changes suggested by the Legislative Council have been made and incorporated into the proposed order and proposed rules. Commission staff met with Legislative Council to gain clarification on its comments and explain the need to continue the process of repeal and recreation of the chapter. Legislative Council agreed with continuing that approach. A copy of the Clearinghouse Report to Agency is included as Attachment A2.

G. FINAL REGULATORY FLEXIBILITY ANALYSIS

The proposed rules concern revisions in Public Service Commission electric safety requirements for electric, telephone, and similar utility facilities and should have no impact on small business.

TEXT OF PROPOSED RULE

SECTION 1. Chapter PSC 114 is repealed and recreated to read:

Chapter PSC 114

WISCONSIN STATE ELECTRICAL CODE, VOLUME 1

Subchapter I - Administration and Enforcement

PSC 114.001	General information.
PSC 114.002	Purpose and scope.
PSC 114.003	Authority and statutory references.

Subchapter II - General Requirements

PSC 114.004	General requirements.
PSC 114.005	Application of rules.
PSC 114.006	Adoption of standard by reference.

Subchapter III – Omissions, Changes or Additions to NESC-2007

PSC 114.007	Omissions, changes or additions to NESC-2007.
PSC 114.010	Omissions.
PSC 114.02	Definitions.
PSC 114.092B2b(3)	Cable with insulating jacket
PSC 114.092D	Current in grounding conductor
PSC 114.094	Grounding electrodes.
PSC 114.096C	Multi-grounded systems.
PSC 114.097	Separation of grounding conductors.
PSC 114.099	Additional requirements for grounding and bonding of communication apparatus and transmission lines.

Part 2—Safety Rules for the Installation and Maintenance of Overhead Electric Supply and Communication Lines

PSC 114.202	Application of rules.
PSC 114.210	Referenced sections.
PSC 114.219	Marking of poles and structures carrying high voltage supply lines.
PSC 114.230A	Clearances.
PSC 114.230I	Maintenance of clearances and spacings.
Table PSC 114.232-1	Vertical clearance of wires, conductors and cables above ground, rails, or water surfaces.
Table PSC 114.232-2	Vertical clearance of equipment cases, support arms, platforms, braces and unguarded rigid live parts above ground, roadway, or water surfaces.
Table PSC 114.232-3	Reference heights.

PSC 114.234A4	Transmission lines over dwelling occupancies.
PSC 114.234C1a	Vertical and horizontal clearances.
PSC 114.234C3d	Supply conductors attached to buildings or other installations.
Table PSC 114.234-1	Clearance of wires, conductors, and cables, and unguarded rigid live parts adjacent but not attached to buildings and other installations except bridges.
PSC 114-234C6	Clearance of lines near stored materials.
PSC 114-234C7	Clearance of lines near fuel storage tanks.
PSC 114-234C8	Clearance of lines near wells.
PSC 114-234C9	Clearance of lines near antennas.
PSC 114-234E1	Swimming pools.
PSC 114-234F1	Grain bins loaded by permanently installed augers, conveyers, or elevator system.
PSC 114.235C2b(1)(a)	Sag-related clearances.
PSC 114.242G	Grades of construction for conductors.
PSC 114.250C	Extreme wind loading.
PSC 114.250E	Longitudinal capability.
Table PSC 114.253-1	Overload factors for structures, crossarms, guys, foundations, and anchors to be used with the strength factors of Table 261-1A.
Table PSC 114.253-2	Alternate overload factors for Wood and Reinforced (Not Prestressed) Concrete Structures to be used with the strength factors of Table 261-1B.
Table PSC 114.261-1A	Strength factors for structures, crossarms, guys, foundations, and anchors for use with overload factors of Table 253-1.

Part 3—Safety Rules for the Installation and Maintenance of Underground Electric Supply and Communication Lines

PSC 114.302	Application of rules.
PSC 114.310	Referenced sections.
PSC 114.317	Outdoor location of oil-insulated padmounted transformers near buildings.
PSC 114.320B7	Separation from other underground installations-gas lines.
PSC 114.323E3	Vault and utility tunnel access.
PSC 114.350F	General
Table PSC 114.352-1	Supply cable or conductor burial depth.
PSC 114.353E	Deliberate separations – equal to or greater than 300 mm (12 in) from underground structures or other.
PSC 114.354D1g	Random separation-separation less than 300 mm (12 in) from underground structures or other cables.
PSC 114.354E	Supply and communication cables or conductors, foundations and water and sewer lines.
PSC 114.381H	Warning signs.

Part 4—Rules for the Operation of Electric Supply and Communications Lines and Equipment

PSC 114.402	Referenced sections.

Subchapter I - Administration and Enforcement

PSC 114.001 General information. (1) ADMINISTRATIVE AUTHORITIES. The Wisconsin State Electrical Code is issued and administered by the public service commission and the department of commerce, division of safety and buildings as part of the Wisconsin Administrative Code. The public service commission has primary responsibility for issuance and administration of Volume 1 as found in this chapter. The department of commerce, division of safety and buildings has similar responsibility for issuance and administration of Volume 2 which is found in ch. Comm 16.

(2) AVAILABILITY OF STATE ELECTRICAL CODE. The public service commission has adopted the 2007 edition of the National Electrical Safety Code (NESC-2007) with certain deletions, changes and additions which are found in Volume 1, Wisconsin State Electrical Code. Copies of the NESC may be purchased from the Institute of Electrical and Electronics Engineers, Inc., IEEE Service Center, 445 Hoes Lane, P.O. Box 1331, Piscataway, NJ 08855-1331 (telephone 1-800-678-IEEE) or the American National Standards Institute, 1430 Broadway, New York, NY 10018 (telephone 212/642-4900). Copies of the NESC may be ordered online at http://standards.ieee.org/nesc. Copies of Volume 1, Wisconsin State Electrical Code, may be ordered from the Wisconsin Department of Administration, Document Sales, 202 S. Thornton Avenue, Madison, WI 53702, (telephone 608/266-3358). Unofficial copies of the rules can be obtained online at http://www.legis.state.wi.us/rsb/code.htm.

Note: The department of commerce, division of safety and buildings, has similarly adopted the National Electrical Code (NEC) with certain deletions, changes and additions which are found in Volume 2, Wisconsin State Electrical Code. Copies of Volume 2, Wisconsin State Electrical Code, may be ordered from the Wisconsin Department of Administration, Document Sales, 202 S. Thornton Avenue, Madison, WI 53702. See ch. Comm 16, Wis. Adm. Code, for current availability information for the NEC.

PSC 114.002 Purpose and scope. (1) PURPOSE. The purpose of this chapter is the practical safeguarding of persons during the installation, operation or maintenance of electric supply and communication lines and their associated equipment. This chapter contains basic provisions considered necessary for the safety of employees and the public. This chapter is not intended as a design specification or an instruction manual.

(2) SCOPE. (a) This chapter applies to supply and communications lines, equipment, and associated work practices employed by an electric supply, communication, railway, or similar utility in the exercise of its function as a utility. In addition, this chapter prohibits the location of buildings, structures, and equipment and prohibits materials storage and change of grade, by any person in violation of the clearance requirements of this chapter. This chapter has also been adopted by the department of commerce as part of Volume 2, Wisconsin State Electrical Code, for application to installations over 600 volts of parties other than utilities.

(b) This chapter applies to utility facilities and functions up to the service point.

(c) This chapter applies to street and area lights, supplied by underground or overhead conductors, under the exclusive control of utilities, including their authorized contractors, and municipal electrical departments.

(d) This chapter does not apply to installations in mines, ships, railway rolling equipment, aircraft or automotive equipment, or utilization wiring except as covered in Parts 1 and 3, NESC-2007.

PSC 114.003 Authority and statutory references. (1) STATUTORY AUTHORITY. Volume 1, Wisconsin State Electrical Code, constitutes a general order of the public service commission authorized by ss. 196.74 and 227.11, Stats.

(2) STATUTORY ENFORCEMENT. (a) Compliance with the requirements of Volume 1, Wisconsin State Electrical Code, is required before a utility may provide electric service even though some portions of the code may not be directly enforceable by state agencies. See s. 101.865, Stats. The authority for the enforcement of Volume 1, Wisconsin State Electrical Code, is vested in the public service commission with respect to the installation and operation of circuits or equipment by public utilities and railroads in the exercise of their functions as utilities and railroads.

Note: While the public service commission does not have jurisdiction for enforcement of Volume 1, Wisconsin State Electrical Code, over parties other than public utilities and railroads, electric utilities are prohibited under s. 101.865, Stats., from extending electric service to premises which are not in compliance with the Wisconsin State Electrical Code, which includes both Volumes 1 and 2.

(b) The requirements in the code are enforceable in the same manner as other orders of the public service commission.

Note: See ss. 102.57, 102.58, 195.07, 196.41, 196.64, 196.66, 196.74, and ch. 227, Stats.

(3) OTHER REQUIREMENTS. (a) Nothing in this chapter shall be construed to deprive a municipality of jurisdiction over utilities, places of employment or public buildings, except that no local requirements shall be less stringent than the requirements in this chapter. See s. 196.58, Stats.

(b) A utility may seek public service commission approval of requirements covering subject matter which is a part of this code, but such requirements must be acceptable and not less stringent than the requirements of this chapter. See s. 196.19, Stats.

Note: There are state statutes that refer directly to certain electrical construction. Some of these are: ss. 66.0831, 86.16, 101.865, 134.40, 134.41, 182.017, 182.0175, 182.018, 196.171, 196.58, 196.67, and 196.72, Stats.

(4) COMPLAINTS. If a complaint is filed with the public service commission by any interested party to the effect that public safety requires changes in construction or methods of operation, the public service commission shall investigate and make recommendations. See s. 196.74, Stats., for procedure if changes in utility facilities are necessary.

Subchapter II - General Requirements

PSC 114.004 General requirements. (1) CHARACTER OF CONSTRUCTION, MAINTENANCE AND OPERATION. All electrical power and communication equipment and lines shall be of such construction, and so installed, operated and maintained as to minimize the life and fire hazard.

(2) CONSTRUCTION, INSPECTION AND REPAIRS. (a) All construction and equipment shall be cleaned when necessary and inspected at such intervals as experience has shown to be necessary. Any equipment or construction known to be defective so as to endanger life or property shall be promptly repaired, permanently disconnected, or isolated until repairs can be made. Construction, repairs, additions and changes to electrical equipment and conductors shall be made by qualified persons only.

(b) Facilities installed or used in the generation, transmission, distribution and utilization of electricity shall be designed for such installation or use.

PSC 114.005 Application of rules. (1) NEW INSTALLATIONS AND EXTENSIONS. This chapter shall apply in full to all new installations, reconstructions, alterations and extensions, except as modified or waived by the commission under sub. (3).

(2) EXISTING INSTALLATIONS. (a) Where an existing installation meets, or is altered to meet these rules, such installation is considered to be in compliance with this edition and is not required to comply with any previous edition.

(b) Existing installations, including maintenance replacements, which comply with prior editions of the code, need not be modified to comply with these rules except as may be directed for safety reasons by the commission and within the time determined by said agency.

(c) Where conductors or equipment are added, altered, or replaced on an existing structure, the structure or the facilities on the structure need not be modified or replaced if the resulting installation will be in compliance with the rules in effect:

1. At the time of the original installation;
2. At the time of an addition, alteration, or replacement; or,
3. Currently, in accordance with par. (a).

(3) WAIVING RULES. This chapter is intended to apply to all installations, except as modified or waived by the commission. The rules are intended to be so modified or waived in particular cases whenever any rules are shown for any reason to be impractical or if equivalent safety is secured in other ways.

(4) TEMPORARY INSTALLATIONS. Modifying or waiving certain of the rules will sometimes be necessary in case of temporary installations or installations which are shortly to be dismantled or reconstructed. Such temporary construction may be used for a reasonable length of time without fully complying with this code, provided it is under competent supervision while it or adjoining equipment is energized or if it is protected by suitable barriers or warning signs when accessible to any person; but all such construction shall be made reasonably safe.

(5) TESTING. Rooms which are used exclusively for routine or special electrical test work, and therefore are under the supervision of a qualified person, need comply with this code only insofar as is practical for the character of the testing done.

(6) EMERGENCY. In case of emergency the person responsible for the installation may decide to modify or waive any requirement of this chapter, subject to review by the commission, even should an application be pending before the commission for a requested emergency related modification or waiver.

(7) INTENT. (a) The word "shall" indicates provisions that are mandatory.

(b) The word "should" indicates provisions that are normally and generally practical for the specified conditions. However, where the word "should" is used, it is recognized that, in certain instances, additional local conditions not specified herein may make these provisions impractical. When this occurs, the difference in conditions shall be appropriately recognized and s. PSC 114.002 shall be met.

(c) A footnote to a table has the force and effect required or allowed by the rule that specifies the use of the table.

(d) Exceptions to a rule have the same force and effect required or allowed by the rule to which the exception applies.

(e) The word "RECOMMENDATION" indicates provisions considered desirable, but that are not intended to be mandatory.

(f) The word "NOTE" or the word "EXAMPLE" used in a rule indicates material provided for information or illustrative purposes only. "NOTES" and "EXAMPLES" are not mandatory and are not considered to be a part of Code requirements.

(g) A "RECOMMENDATION," "EXCEPTION," or "NOTE" applies to all text in that rule above its location that is indented to the same level.

PSC 114.006 Adoption of standard by reference. (1) ADOPTION OF STANDARD. The National Electrical Safety Code-2007 edition (also American National Standards Institute C2-2007 edition) subject to omissions, changes and additions as otherwise shown in this chapter, is hereby incorporated by reference into the Wisconsin State Electrical Code, Volume 1. Interim

amendments to the NESC-2007 will not be effective in this state until such time as this chapter is revised to reflect such changes.

(2) CONSENT TO INCORPORATE NESC-2007 BY REFERENCE. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of these standards contained in the NESC-2007, except for the omissions, changes and additions as shown later in this chapter. Copies of the NESC-2007 are on file in the offices of the public service commission, the secretary of state, and the revisor of statutes.

Subchapter III - Omissions, Changes or Additions to NESC-2007

PSC 114.007 Omissions, changes, additions to NESC-2007. Omissions, changes or additions to the NESC-2007 are specified in this subchapter and are rules of the public service commission and not requirements of the NESC-2007.

Note: Each omission, change or addition is found in the same location in this subchapter as the appropriate NESC part, section or subsection where the affected rule is found. Each change or addition has been prefixed by PSC 114. Following the PSC designation is the referenced NESC section or subsection and the page on which it is found in the NESC. Example: PSC 114.096C [NESC 096C, p. 27]. The word "Change" following the section number and heading means that the corresponding wording of the NESC-2007 has been changed and that the new wording is substituted at the appropriate location. The word "Addition" following the section number and heading means that a new requirement is incorporated in the NESC-2007 and that the new requirement is inserted at the appropriate location.

Note: To observe federal directives and recommendations that national standards adopt the metric system for units of measure, the numerical values of the NESC-2007 are stated in the metric system and in the customary inch-foot-pound system. To conform to this more international convention, this revision of the Wisconsin State Electrical Code, Volume 1 also adopts the same measurement convention. In the text, the metric value is now shown first with the customary inch-foot-pound value (in parentheses) following. In tables, the metric values are also given first and where the entire tables are duplicated, the table of metric values appears first with the table of inch-foot-pound values following.

Section 1. Introduction to the National Electrical Safety Code

PSC 114.010 Omissions. [NESC 010 through 016, pp. 1-3] Introduction to the National Electrical Safety Code (Section 1) (Omission) Rules 010 through 016 of the NESC-2007 are omitted and not incorporated as part of the Wisconsin State Electrical Code, Volume 1.

Section 2. Definitions of Special Terms

PSC 114.02 Definitions. [NESC Section 2, p. 5]

(1) Change the definition of "Administrative Authority" to read:

(a) *Administrative authority.* The authority for the enforcement of this code is vested in the public service commission with respect to the installation and operation of circuits or equipment by public utilities and railroads in the exercise of their functions as utilities and railroads.

(2) Add the following definition:

(a) *Commission.* Public service commission of Wisconsin.

Section 9. Grounding Methods for Electric Supply and Communications Facilities

PSC 114.092B2b(3) Cable with insulating jacket. [NESC 092B2b(3), p. 18] (Change) Change paragraph (3) to read:

(3) Cable with insulating jacket

Additional bonding and connections between the cable insulation shielding or sheaths and the system ground are recommended. Where uninsulated cable joints in multi-grounded shielded cable systems are exposed to contact by personnel, the shielding (including sheath or concentric neutral) at the joint shall be grounded. Accessible insulated cable joints are not required to be grounded by this rule. Where multi-grounded shielding cannot be used for electrolysis of sheath-current reasons, the shielding sheaths and splice-enclosure devices shall be insulated for the voltage that may appear on them during normal operation.

Bonding transformers or reactors may be substituted for direct ground connection at one end of the cable.

PSC 114.092D Current in grounding conductor. [NESC 092D, p. 19] (Change) Change paragraph D to read:

D. Current in grounding conductor

Ground connection points shall be so arranged that under normal operating circumstances there will be no objectionable flow of current over the grounding conductor. If an objectionable flow of current occurs over a grounding conductor due to the use of multi-grounds, the following options may be used:

1. Determine the source of the objectionable ground conductor current and take action necessary to reduce the current to an acceptable level at its source.

2. Subject to the approval of the commission, other effective means may be used to limit the current, but no means employed shall create a situation of excessive voltage buildup on the neutral.

The system ground of the source transformer shall not be removed.

Under normal system conditions a grounding conductor current will be considered objectionable if the electrical or communications system's owner or operator deems such current to be objectionable, or if the presence or electrical characteristics of the grounding conductor current is in violation of rules and regulations governing the electrical system, as set forth by the commission.
The temporary currents set up under abnormal conditions while grounding conductors are performing their intended protective functions are not considered objectionable. The conductor shall have the capability of conducting anticipated fault current without thermal overloading or excessive voltage buildup. Refer to Rule 93C.

Note: Some amount of current will always be present on the grounding conductors of an operating AC electrical system. That current may be conducted and/or induced and is not, in and of itself, objectionable.

PSC 114.094 Grounding electrodes. [NESC 094B4, p. 24] (Section 9)
(1) Rule 094B4 of the NESC-2007 is omitted and not incorporated as part of the Wisconsin State Electrical Code, Volume 1.

PSC 114.096C Multi-grounded systems. [NESC 096C, p. 27]
(1) Change paragraph C to read:
C. The neutral, which shall be of sufficient size and ampacity for the duty involved, shall be connected to a made or existing electrode at each transformer location and at a sufficient number of additional points with made or existing electrodes to total not less than nine grounds in each 1.6 km (1 mi) of line, including those grounds at transformer locations, but not including grounds at individual services. In rural districts, the primary neutral shall be connected to a made or existing electrode at each pole to which it is attached. For the purposes of this rule, rural districts are those areas outside of cities and villages.

Exception 1: In underground multi-grounded systems where an insulating jacket or nonmetallic conduit is used over direct-buried concentric-neutral supply cable, this requirement may be reduced to four grounds in each 1.6 km (mile). This exception for use of supply cable with an insulating jacket or nonmetallic conduit shall not be permitted for random lay construction. See Part 3, Rule 354, "Random Separation--Separation Less Than 300 mm (12 in) from Underground Structures or Other Cables."

Exception 2: Where underwater crossings are encountered, the requirements of made electrodes do not apply for the underwater portion if the neutral is of sufficient size and capacity for the duty involved and the requirements of Rule 92B2 are met.

Recommendation: This rule may be applied to shield wire(s) grounded at the source and which meet the multi-grounded requirements of this rule.

Note: Multi-grounded systems extending over a substantial distance are more dependent on the multiplicity of grounding electrodes than on the resistance to ground of any individual electrode. Therefore, no specific values are imposed for the resistance of individual electrodes.

PSC 114.097 Separation of grounding conductors. [NESC 097C, p. 27]
(1) Change paragraph C to read:

C. Primary and secondary circuits utilizing a single conductor as a common neutral shall have at least nine ground connections on such conductor in each 1.6 km (1 mi) of line, including those grounds at transformer locations, but not including ground connections at customers' service equipment.

(2) Change paragraph D to read:

D. Multi-Grounded Systems
On multi-grounded systems, the primary and secondary neutrals shall be interconnected according to Rule 097B.

Exception: Where it is necessary to separate the neutrals, interconnection of the neutrals shall be made through an electronic switching device designed for the purpose and of a type acceptable to the authority having jurisdiction. The device shall have a 60 Hz breakdown voltage not exceeding 3 kV and have a short circuit current withstand capability greater than the short circuit current available at the location of installation. At least one other grounding connection on the secondary neutral shall be provided in addition to the customer's grounds at each service entrance. A distance of not less than 3.60 m (12 ft) nor more than 6.1 m (20 ft.) shall separate the secondary neutral grounding electrode from the primary neutral and surge arrester grounding electrode, which shall not be relocated to accommodate this separation. Since a difference of potential will exist where primary and secondary neutrals are not directly interconnected, the primary and secondary grounding conductors shall be insulated for 600 V.

Note: Cooperation of all communications and supply utilities, customers of these utilities, and others may be necessary to obtain effective isolation between primary and secondary neutrals.

PSC 114.099 Additional requirements for grounding and bonding of communication apparatus. [NESC 099, p. 28] (Change and Addition) Change title 099 to read:

PSC 114.099 Additional requirements for grounding and bonding of communication apparatus and transmission lines.

(Change) Change paragraph C to read:

C. Bonding of electrodes
A bond not smaller than AWG No. 6 copper or equivalent shall be placed between the communication grounding electrode and the supply system neutral grounding electrode where separate electrodes are used at the structure or building being served. All separate electrodes shall be bonded together except where separation is required per Rule 97. Bonding to other systems shall not be done on or within a metering enclosure unless a means of bonding, intended for inter-system bonding, is furnished as part of the metering enclosure.

Recommendation: If water piping is used as a bonding means, care must be taken to assure that the metallic path is continuous between electrodes.

Note 1: See NEC Article 800-100(D) for corresponding NEC requirements.

Note 2: The bonding together of all separate electrodes limits potential differences between them and between their associated wiring systems.

(Addition) [Follows NESC 099C, p. 29] Add paragraph D to read:

D. Transmission shield wire systems and transmission systems with under-built multi-grounded distribution systems

1. The shield wire system providing lightning protection for transmission lines (69 kV phase-to-phase and greater) shall be connected to a made or existing grounding electrode at every transmission pole or structure for each shield wire.

(a) If the transmission line has any under-built distribution attached to the same pole or structure, the shield wire system shall be bonded to the grounding conductor of the distribution neutral at each pole or structure.

(b) The under-built distribution neutral may be connected to its own made or existing ground electrode at each pole or structure.

Exception: Shield wires that are segmented and isolated from ground at a particular pole or structure need not follow this rule.

2. The shield wire of the transmission system shall not be used as the distribution neutral conductor in lieu of the installed distribution neutral conductor.

Part 2. Safety Rules for the Installation and Maintenance of Overhead Electric Supply and Communication Lines

Section 20. Purpose, Scope and Application of Rules

PSC 114.202 Application of rules. [NESC 202, p. 69]

(1) Change the paragraph 202 to read:

202. Application of Rules

The general requirements for application of these rules are contained in s. PSC ll4.005. However, when a structure is replaced, arrangement of equipment shall conform to the 2007 Edition of Rule 238C.

Section 21. General Requirements

PSC 114.210 Referenced sections. [NESC 210, p. 70]
(1) Change paragraph 210 to read:
210. Referenced Sections
The Introduction (Section 1) as amended by s. PSC 114.010, Definitions (Section 2) as amended by Section 2 of Chapter PSC 114, List of Referenced Documents (Section 3) and Grounding Methods (Section 9) as amended by Section 9 of Chapter PSC 114 shall apply to the requirements of Part 2.

PSC 114.219 Marking of poles and structures carrying high voltage supply lines. [Follows NESC 218, p. 75] Add the following section:

PSC 114.219 Marking of Poles and Structures Carrying High Voltage Supply Lines.
(1) Every corporation, company or person constructing, operating or maintaining an electric transmission line with a voltage of 2,000 or more between conductors and the ground shall place warning signs from 1.2 to 2.45 m (4 to 8 ft) above the ground upon all poles or other structures supporting the line.

Exception: Existing poles and structures which were required to be signed by s. 196.67, stats. and were installed prior to January 1, 1995, are permitted to comply with the warning sign requirements which existed on December 31, 1994.

(2) Warning signs installed as replacements or new facilities on overhead electrical supply line poles and structures shall comply with the following standards:

(a) Warning signs which meet the requirements as to format and color of American National Standards Institute standard ANSI Z535.4 2006 for safety signs.

(b) The overall dimensions of these signs shall not be less than 25.4 cm by 17.78 cm (10 in by 7 in) except that in those situations where use of a sign this size is not practical, two or more signs not smaller than 17.78 cm by 12.7 cm (7 in by 5 in) may be substituted.

Exception: Existing poles and structures installed prior to July 1, 2003, are permitted to continue to use the "Danger - High Voltage" sign format meeting the requirements of the prior rule until such signs are replaced.

Note: This rule amends and expands the application of the warning sign requirements of s. 196.67, stats., as it existed prior to its revision which became effective on January 1, 1995. In 1993, this statute was revised by deleting the specified location provisions limiting the required signing to certain poles. As a result, all poles and structures supporting lines with a voltage of 2,000 or more installed after the effective date of January 1, 1995, are required to carry warning signs. See s. 196.67, stats.

Section 23. Clearances

Note: The specification of clearances in Rules 232, 233, and 234, first adopted in the NESC-1990, and continued in the 1997 edition of the NESC adopted herein, have been revised in both concept and content to reflect the new Uniform System of Clearances approach which is described in Appendix A of NESC-1990, NESC-1993, NESC-1997, NESC-2002 and NESC-2007. Because the approach and the application of the rules have been revised, it must be understood that clearance values of editions of the national and state codes prior to 1990 cannot be directly compared to those of editions of the codes after 1990. See Appendix A of NESC-1990, NESC-1993, NESC-1997, NESC-2002 or NESC-2007.

PSC 114.230A Clearances. [NESC 230A(1) and 230A(2), p. 81] (Section 23) Rules 230A(1) and 230A(2) of the NESC-2007 are omitted and not incorporated as part of the Wisconsin State Electrical Code, Volume 1.

PSC 114.230I Maintenance of clearances and spacings. [NESC 230I, p. 84] (Section 23) (Change) Change the Note in paragraph I to read:

Note: See rule PSC 114.005(2) to determine the applicable edition.

Table PSC 114.232-1 **[NESC, Table 232-1, pp. 89-91: Metric; pp. 92-94: Feet]** Vertical Clearance of Wires, Conductors and Cables Above Ground, Rails, or Water Surfaces (Changes and Additions)

The Footnotes for NESC Table 232-1 on page 89 (Metric) and page 92 (Feet) contain the following changes and additions:

Change Footnote 17 to read as follows:

[17] For controlled impoundments, the surface area and corresponding clearances shall be based upon the design high water level. For other waters, the surface area and clearances shall be based on the normal high water level. The clearance over rivers, streams, and canals shall be based upon the largest surface area of any 1.6-km-long (1 mi) segment which includes the crossing. The clearance over a river, stream, or canal normally used to provide access for sailboats to a larger body of water shall be the same as that required for the larger body of water.

Change Footnote 21 to read as follows:

[21]Where the US Army Corps of Engineers, or the state, or surrogate thereof has issued a crossing permit, the greater clearances of that permit or this code shall govern.

Add Footnote 27 which reads as follows:

[27] A diagonal clearance equal to the required vertical clearance shall be maintained to uneven or sloping terrain within a horizontal distance of 3/4 (75%) of the required vertical clearance. All distances shall be measured from the conductors in their wind-displaced position as defined in NESC Rule 234A2.

Add the reference to Footnote 27 in NESC-2007 Table 232-1 on pp. 89-91 (Metric) and pp. 92-94 (Feet) to the conductor category titles of columns 3, 4 and 5. It applies to all clearances in those columns.

Table PSC 114.232-2 **[NESC, Table 232-2, p. 95 (Metric) and p. 96 (Feet)]** Vertical Clearance of Equipment Cases, Support Arms, Platforms, Braces and Unguarded Rigid Live Parts Above Ground, Roadway, or Water Surfaces[8] (Change)

Change Footnote 9 to read as follows:

[9]Where the US Army Corps of Engineers, or the state, or surrogate thereof has issued a crossing permit, the greater clearances of that permit or this code shall govern.

Table PSC 114.232-3 **[NESC, Table 232-3, p. 97]** Reference Heights (Change) Change Footnote 3 to read:

[3] For controlled impoundments, the surface area and corresponding clearances shall be based upon the design high water level. For other waters, the surface area and clearances shall be based on the normal high water level. The clearance over rivers, streams, and canals shall be based upon the largest surface area of any 1.6-km-long (1 mi) segment which includes the crossing. The clearance over a canal, river or stream normally providing access for sailboats to a larger body of water shall be the same as that required for the larger body of water.

PSC 114.234A4 Transmission lines over dwelling occupancies. [follows NESC 234A3, p. 110] (Addition) Add the following paragraph 4:

4. Transmission Lines Over Dwelling Occupancies

Supply lines designed to operate at voltages in excess of 35 kV shall not be constructed over dwellings or mobile homes intended for residential occupancy and dwellings or mobile homes intended for residential occupancy shall not be located under such lines. This provision is also intended to cover the line conductors in their wind-displaced position as defined in Rule 234A2.

Note: The term "dwelling", as used herein, is the same as defined in Volume 2, Wisconsin State Electrical Code (NEC/NFPA 70-2005), i.e., "Dwelling Unit: One or more rooms for the use of one or more persons as a housekeeping unit with space for eating, living, and sleeping, and permanent provisions for cooking and sanitation."

Note: Electric utilities are prohibited by s. 101.865, Stats., from extending electric service to premises which are not in compliance with the Wisconsin State Electrical Code.

PSC 114.234C1a Vertical and horizontal clearances. (1) (a) **[NESC 234C1a, p. 111]** Change paragraph (1) (a) to read:

(a) *Clearances.* Unguarded or accessible wires, conductors, cables, or rigid live parts may be located adjacent to buildings, signs, billboards, chimneys, radio and television antenna, tanks, and other installations and any projections therefrom. The vertical and horizontal clearances of such rigid and nonrigid parts shall be not less than the values in Table 234-1 when at rest under the conditions specified in Rule 234A1. These facilities may be installed beside, over or under buildings, building projections and other installation, as illustrated in Figs. 234-1(a) and 234-1(b). Buildings, signs, billboards, chimneys, radio and television antennas, tanks, and other installations and any projections therefrom shall not be located near existing wires, conductors, cables or rigid live parts if doing so results in clearances less than the values given in Table 234-1.

PSC 114.234C3d Supply conductors attached to buildings or other installations. **[NESC 234C3d, p.112]** Change Exception 1(a) to read:

Exception 1(a): Where the voltage between conductors does not exceed 300 volts and the roof has a slope of not less than 1 (vertical) to 3 (horizontal), this clearance may be reduced to 0.90 m (3 ft).

PSC 114.234C6 Clearance of lines near stored materials. **[Follows NESC 234C5, p. 113]** Add the following paragraph 6 and note:

6. Clearance of Lines Near Stored Materials

Lines, under wind-displaced conditions stated in Rule 234A2, shall not be run over designated material storage areas where material is regularly stored and handled by cranes, dump trucks, elevators or other types of high machinery unless the clearance of such lines is adequate to permit full use of the equipment. Material which requires the use of such high machinery shall not be stored near or under existing lines.

Note: See NESC Rule 234F for Grain Bin clearances.

PSC 114.234C7 Clearance of lines near fuel storage tanks. [Follows NESC 234C5, p. 113] (Addition) Add the following paragraph 7 and exceptions 1 and 2:

7. Clearance of Supply Lines Near Fuel Storage Tanks

Supply lines shall not be run over above-ground flammable liquids and liquefied petroleum gas (LPG) storage tanks. A horizontal clearance of not less than 2.45 m (8 ft) with cables at rest, and not less than 1.80 m (6 ft) with cables displaced by wind according to Rule 234A2, shall be maintained between above-ground flammable liquids and liquefied petroleum gas storage tanks and supply cables of all voltages meeting Rule 230C. A horizontal clearance of not less than 4.6 m (15 ft) with conductors at rest, and not less than 3.0 m (10 ft) with conductors displaced by wind according to Rule 234A2, shall be maintained between such fuel storage tanks and all other supply conductors.

Exception 1: These requirements do not apply to liquefied petroleum gas tanks with a capacity of 1,000 gallons or less.

Exception 2: These requirements do not apply to tanks enclosed in a building or fully covered by a roof or canopy capable of preventing falling overhead supply conductors from directly contacting the tank. In this case, the vertical and horizontal clearance requirements of conductors from buildings apply. See Rule 234C.

PSC 114.234C8 Clearance of lines near wells. [Follows NESC 234C5, p. 113] Add the following paragraph 8, exception and note:

8. Clearance of Open Supply Lines Near Wells

Open supply lines shall not be run over wells. A horizontal clearance with conductors at rest of no less than 3/4 of the vertical clearance of the conductors to ground required by Rule 232, and a horizontal clearance of not less than 3.0 m (10 ft) with conductors displaced by wind according to Rule 234A2, shall be maintained between open supply conductors and wells. Persons installing such wells shall also comply with this requirement.

Exception: This rule does not apply to Groundwater Monitoring Wells defined in Wis. Admin. Code ch. NR 141 provided such wells are installed using hydraulic push methods, such as a Geoprobe type rig (The vertical clearance required for a Geoprobe is typically less than 10 feet.) and where sampling is accomplished using a bailer or a submersible pump attached to flexible tubing. This exception is not intended to apply to monitoring wells installed with drilling rigs that are taller than 14 feet or sampling methods that require sections of piping (steel or plastic pipe)

Note: Electric utilities are prohibited by s. 101.865, Stats., from extending electric service to premises which are not in compliance with the Wisconsin State Electrical Code.

PSC 114.234C9 Clearance of lines near antennas. [Follows NESC 234C5, p. 113] Add the following paragraph heading 9 and note:

9. Clearance of Lines Near Antennas

Note: Besides the applicable clearances of Rule 234C, additional requirements with respect to the proximity of antennas to power and communications lines are found in Wisconsin Building Code (Antenna Setback and Antenna Support, IBC Chapter 31, Sections 3108.1, 3108.2 and 3108.4).

Table PSC ll4.234-l **[NESC Table 234-l, pp. 122-124 (Metric) and pp. 125-127 (Feet)]** Clearance of Wires, Conductors, Cables, and Unguarded Rigid Live Parts Adjacent But Not Attached to Buildings and Other Installations Except Bridges. (Changes, Deletions and Additions).

Table PSC ll4.234-l Metric contains the following changes and additions to NESC Table 234-1 Metric:

The value in Item (Row) 1.b.(1), Column 2 is revised from "0.90" to "2.45".

The value in Item (Row) 1.b.(1), Column 3 is revised from "1.07" to "2.45".

Add Footnote 16, which reads as follows:

[16]This clearance may be reduced to 0.90 m for supply conductors limited to 300 V to ground and communications conductors and cables if the roof has a slope of not less than 1 (vertical) to 3 (horizontal).

The reference to Footnote 16 is added to the values in Item (Row) 1.b.(1), Columns 2 and 3.

Table PSC 114.234-1 Feet contains the following changes, deletions and additions to NESC Table 234-1 Feet:

The value in Item (Row) 1.b.(1), Column 2 is revised from "3.0" to "8.0."

The value in Item (Row) 1.b.(1), Column 3 is revised from "3.5" to "8.0."

Add Footnote 16, which reads as follows:

[16]This clearance may be reduced to 3 ft for supply conductors limited to 300 V to ground and communications conductors and cables if the roof has a slope or not less than 1 (vertical) to 3 (horizontal).

The reference to Footnote 16 is added to the values in Item (Row) 1.b.(1), Columns 2 and 3.

PSC 114.234E1 Swimming pools. [NESC 234E1, p. 114] (Addition) Add the following sentence to the beginning of paragraph E1:

1. Swimming Pools

Pools and appurtenances shall not be placed under or near existing service-drop conductors or any other overhead wiring; nor shall such wiring be installed over a swimming pool or the surrounding area unless such installation complies with the clearances or the exceptions specified in NESC Rule 234E1.

PSC 114.234F1 Grain bins loaded by permanently installed augers, conveyers, or elevator systems. [Following NESC 234F1, P. 114]

(1) (Addition) Add Exception and Note to read:

Exception: Farm silos that are loaded by a blower through a vertical metal tube permanently attached to the side of the structure are not considered grain bins.

Note: Typical cylindrical farm silos are considered buildings for the purposes of this code and the clearance requirements of NESC Rule 234C, as amended herein, would apply.

PSC 114.235C2b(1)(a) Sag-related clearances. [Follows NESC 235C2b(1)(a) Exception 2, p. 138] (Change)

(1) Change Exception 2 to read:

Exception 2: For supply conductors of different utilities, vertical clearance at any point in the span need not exceed 75% of the values required at the supports for the same utility by Table 235-5.

Section 24. Grades of Construction

PSC 114.242G Grades of construction for conductors. [Follows NESC 242F, p. 172] Add the following paragraph G:

G. Circuits Exceeding 175 kV to Ground

Grade B construction shall always be used if the voltage exceeds 175 kV to ground.

Section 25. Loading for Grades B and C

PSC 114.250C Extreme wind loading. **[Alternative to NESC 250C, p. 177]** As an alternate to NESC Tables 250-2 and Table 250-3, the following Table PSC 114.250-2 and the related definitions and formulas for k_Z and G_{RF} may be used. (NESC Figure 250-2(b) "Basic Wind Speeds" is a part of this rule by reference.)

C. Extreme Wind Loading

If no portion of a structure or its supported facilities exceeds 18 m (60 ft) above ground or water level, the provision of the rule are not required, except as specified in Rule 261A.1.2.f. Where a structure or its supported facilities exceeds 18 m (60 ft) above ground or water level, the structure and its supported facilities shall be designed to withstand the extreme wind load associated with the Base Wind Speed as specified by NESC Figure 250-2(b). The wind pressures calculated shall be applied to the entire structure and supported facilities without ice. The following formula shall be used to calculate wind load.

$$\text{Load in Newton} = 0.613 \cdot (V_{m/s})^2 \cdot k_Z \cdot G_{RF} \cdot I \cdot C_d \cdot A(m^2)$$

$$\text{Load in pounds} = 0.00256 \cdot (V_{mi/h})^2 \cdot k_Z \cdot G_{RF} \cdot I \cdot C_d \cdot A(ft^2)$$

Where:

0.613 / 0.00256 — Ambient Air Density Value, reflects the mass density of air for the standard atmosphere, i.e., temperature of 15ºC (59ºF) and average sea level pressure of 760 mm (29.92 in) of mercury. (No adjustment in the velocity to pressure coefficient has been made relative to changes in air density with altitude.) The dimensions associated with this coefficient are, for metric, 0.613 $N \cdot s^2/m^4$; and, for English, 0.00256 $lb \cdot hr^2/mi^2 \cdot ft^2$.

k_Z	Velocity-Pressure Exposure Coefficient, as defined in Table PSC 114-250-2.
V	Basic wind speed, from NESC 250C, Figure 250-2 given in m/s at 10 m (mi/h at 33 ft) above ground;
G_{RF}	Gust Response Factor, as defined in Table PSC 114-250-2.
I	Importance factor equal to 1.0 for utility structures and their supported facilities,
C_d	Shape Factor as defined as defined in NESC Rule 252B,
A	Projected wind area, m^2 (ft^2).

Table PSC 114.250-2 (Metric)
Velocity Pressure Exposure Coefficient, k_Z
Gust Response Factor, G_{RF}

	$k_Z \cdot G_{RF}$	
	For Structures:	For Wires:
For structures with a total height of 30 m or less above ground or water level	1.0	0.85
For structures with a total height exceeding 30 m above ground or water level	0.93+0.00245(h)	0.78+0.00245(h)

Table PSC 114.250-2 (English)
Velocity Pressure Exposure Coefficient, k_Z
Gust Response Factor, G_{RF}

	$k_Z \cdot G_{RF}$	
	For Structures:	For Wires:
For structures with a total height of 100 ft or less above ground or water level	1.0	0.85
For structures with a total height exceeding 100 ft above ground or water level	0.93+0.00075(h)	0.78+0.00075(h)

Where:
h = height of the structure above ground or water level. For wind loads on wires attached to the structure, the height of the highest wire attachment above ground or water level may be used if less than the height of the structure. In unique terrain where the height of the wire above ground at mid-span may be substantially higher than at the attachment point, engineering judgment may be used to determine an appropriate value the height of the wire. Note: The height of all wire attachments should be based on the height of the highest attachment or total structure height. The formulas to determine $k_Z \cdot G_{RF}$ were based on this premise, not the height of each attachment.

The wind pressure parameters (k_Z, V, and G_{RF}) are based on open terrain with scattered obstructions (Exposure Category C as defined in ASCE 7-98). Exposure Category C is the basis of the NESC extreme wind criteria. Topographic features such as ridges, hills, and

escarpments may increase the wind loads on site-specific structures. A topographic Factor, k_{zt}, from ASCE7-98 may be used to account for these special cases.

PSC 114.250E Longitudinal capability. [Follows NESC 250D, p. 179] Add the following paragraph E:

E. Longitudinal Capability

Each supply line designed to operate at 300 kV phase to phase or above shall be constructed to limit the effects of a cascading-type failure to a line segment not exceeding 9.6 km (6 mi) to 16 km (10 mi) in length. Such construction requirement may be met by providing, at appropriate intervals, structures and associated facilities having full dead-end capability under the loading provisions of Rules 250 A, B, C and D. Consideration shall be given to factors such as structure type and material, length of line, distance between dead-end or heavy angle structures, and other basic design criteria in determining the length of such individual line segments. For lines supported by "flexible" structures designed with plastic, energy-absorbing capability in failure, this requirement may be met if such design and construction will provide equivalent limitation to longitudinal cascading.

Table PSC 114.253-1 **[NESC Table 253-1, p. 197]** Load Factors for Structures[1], Crossarms, Guys, Foundations, and Anchors to Be Used With the Strength Factors of Table 261-1A. (Changes)

Change Footnote 2 to read:

[2] For guys and anchors associated with structures supporting communications conductors and cables only, this factor may be reduced to 1.33. For guys associated with structures supporting supply conductors or supply conductors and communications conductors and cables, this factor may be reduced to 1.5.

Change Footnote 4 to read:

[4] For guys associated with structures supporting only supply conductors or supply conductors and communications conductors and cables, this factor may be reduced to 2.00. This factor may be reduced to 1.75 for wood and reinforced (not prestressed) concrete structures when the span being supported is not at a crossing.

Table PSC 114.253-2 **[NESC Table 253-2, p.198]** Alternate Load Factors for Wood and Reinforced (Not Prestressed) Concrete Structures to be Used With the Strength Factors of Table 261-1B. (Change)

Change Footnote 3 to read:

[3] When structure strength deteriorates to the level of the loads multiplied by the overload factors required at replacement, the structure shall be replaced or rehabilitated. If a structure is

replaced, it shall meet the "when installed" overload factors at replacement. Rehabilitated portions of structures shall have overload factors at the time of rehabilitation greater than of those required "at replacement". Where conductors or equipment are altered or replaced on existing structures, the structure need not be replaced provided the existing structure has the strength to withstand the loads specified in Section 25, multiplied by the "at replacement" overload factor in NESC Table 253-2 without exceeding the strength factors of NESC Table 261-1B.

Section 26. Strength Requirements

Table PSC 114.261-1A **[NESC Table 261-1A, p. 207]** Strength Factors for Structures, Crossarms, Braces, Support Hardware, Guys, Foundations, and Anchors for Use With Load Factors of Table 253-1 (Changes)

Change Footnote 2 to read:

[2] Wood and reinforced concrete structures shall be replaced or rehabilitated when deterioration reduces the structure strength to 2/3 of that required when installed. If a structure is replaced, it shall meet the strength required by NESC Table 261-1A. Where conductors or equipment is altered or replaced, or where portions of a structure are rehabilitated, the remaining structures and rehabilitated portions thereof shall have strength greater than 2/3 of that required when installed.

Change Footnote 3 to read:

[3] Wood and reinforced concrete structures shall be replaced or rehabilitated when deterioration reduced the structure strength to 3/4 of that required when installed. If a structure is replaced, it shall meet the strength required by NESC Table 261-1A. Where conductors or equipment are altered or replaced, or where portions of a structure are rehabilitated, the remaining structures and rehabilitated portions thereof shall have strength greater than 3/4 of that required when installed.

Change Footnote 6 to read:

[6]Metal and pre-stressed concrete structures, guy wires, guy anchors and foundations shall be replaced or rehabilitated when deterioration reduces the strength of the structure or the component to 2/3 of that required when installed. If a structure is replaced, it shall meet the strength requirement by Table 261-1A. Rehabilitated portions of structures shall have strength greater than 2/3 of that required when installed.

Part 3. Safety Rules for the Installation and Maintenance of Underground Electric Supply and Communication Lines

Section 30. Purpose, Scope, and Application of Rules

PSC 114.302 Application of rules. [NESC 302, p. 219] Change Rule 302 to read:

302. Application of Rules

The general requirements for application of these rules are contained in s. PSC 114.005.

Section 31. General Requirements Applying to Underground Lines

PSC 114.310 Referenced sections. [NESC 310, p. 220] Change Rule 310 to read:

310. Referenced Sections

The Introduction (Section 1) as amended by s. PSC 114.010, Definitions (Section 2) as amended by Section 2 of Chapter PSC 114, List of Referenced Documents (Section 3), and Grounding Methods (Section 9) as amended by Section 9 of Chapter PSC 114, shall apply to the requirements of Part 3.

PSC 114.317 Outdoor location of oil-insulated padmounted transformers near buildings. [Follows NESC 316, p. 222] Add the following section:

PSC 114.317 Outdoor location of oil-insulated padmounted transformers near buildings.

A. Noncombustible and Combustible Walls

For the purposes of this section, combustible walls are walls of Type No.V buildings as determined by Wisconsin Building Code (Construction Classification IBC Chapter 6). All other walls are considered to be non-combustible.

B. Noncombustible Walls

Padmounted oil-insulated transformers may be located directly next to noncombustible walls if the following clearances are maintained from doors, windows and other building openings.

1. Padmounted oil-insulated transformers shall not be located within a zone extending 6.1 m (20 ft) outward and 3.0 m (10 ft) to either side of a building door. See Figure PSC 114-317B1.

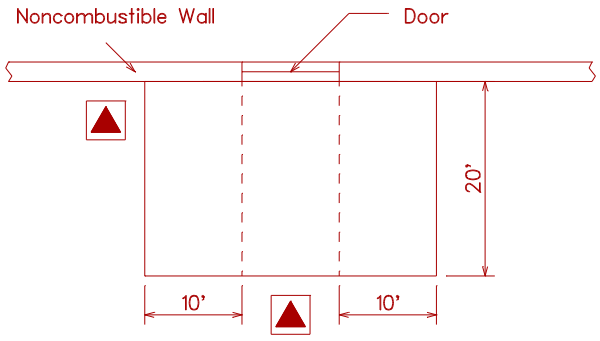

Figure PSC 114-317B1.

2. Padmounted oil-insulated transformers shall not be located within a zone extending 3.0 m (10 ft) outward and 3.0 m (10 ft) to either side of an air intake opening. Such transformers may be located within said zone beneath an air intake opening provided there is not less than 7.6 m (25 ft) diagonal separation between the transformer and said opening. See Figure PSC 114-317B2.

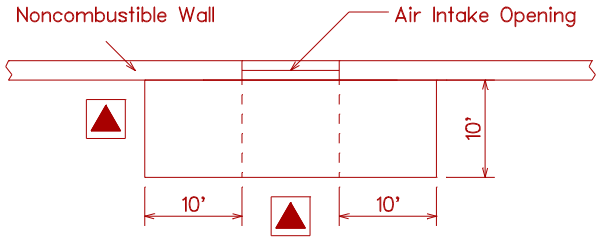

Figure PSC 114-317B2.

3.a. Padmounted oil-insulated transformers shall not be located within a zone extending 3.0 m (10 ft) outward and 0.9 m (3 ft) to either side of a building window or opening other than an air intake. See Figure PSC 114-317B3a.

Exception: This does not apply to a glass block or fire window meeting the requirements of the Wisconsin Commercial Building Code (Fire Window IBC Chapter 7, Section 714.3).

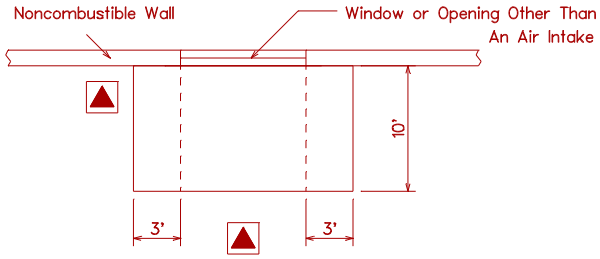

Figure PSC 114-317B3a.

3.b. For second story windows, the transformer shall not be located less than 1.5 m (5 ft) from any part of the window. See Figure PSC 317B3b.

Exception: This does not apply to a glass block or fire window meeting the requirements of the Wisconsin Commercial Building Code (Fire Window, IBC Chapter 7, Section 714.3).

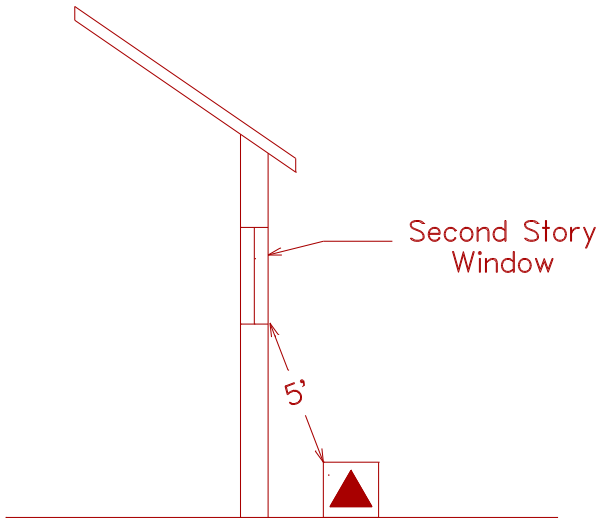

Figure PSC 114-317 B3b.

C. Combustible Walls

1. Padmounted oil-insulated transformers in sizes up to and including 100 kVA shall be located according to the provisions set forth in Subsection B for noncombustible walls.

2. Padmounted oil-insulated transformers in sizes above 100 kVA shall be located a minimum of 3.0 m (10 ft) from the building wall in addition to the clearances from building doors, windows and other openings set forth for noncombustible walls. Also, a sump shall be installed for transformers in size exceeding 500 kVA if the immediate terrain is pitched toward the building.

D. Barriers

If the clearances specified in PSC 114.317 cannot be obtained, a fire-resistant barrier may be constructed in lieu of the required separation. The following methods of construction are acceptable:

1. Noncombustible Walls

The barrier shall extend to a projection line from the corner of the padmounted transformer to the furthest corner of the window, door or opening in question. The height of the barrier shall be 0.3 m (1 ft) above the top of the padmounted transformer. See Figure PSC 114-317D1.

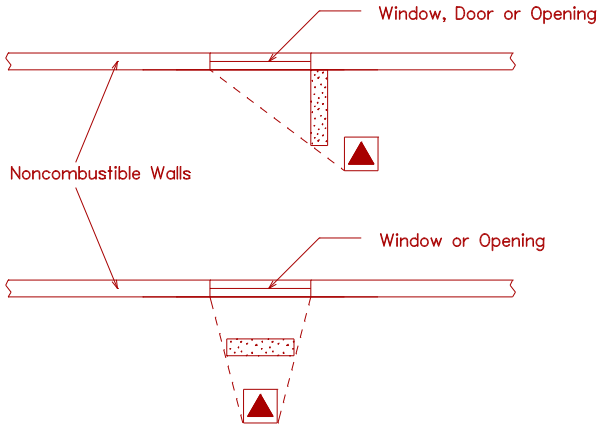

Figure PSC 114-317D1.

2. Combustible Walls

The barrier shall extend 0.9 m (3 ft) beyond each side of the padmounted transformer. The height of the barrier shall be 0.3 m (1 ft) above the top of the transformer. See Figure PSC 114-317D2.

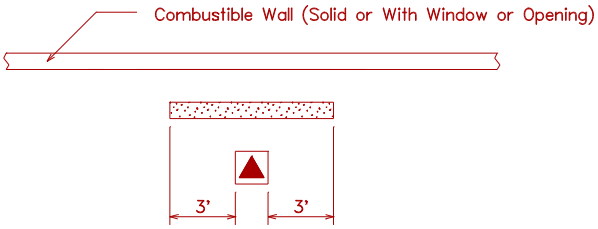

Figure PSC 114-317D2.

E. Fire Escapes

1. Padmounted oil-insulated transformers shall not be located within a zone extending 6.1 m (20 ft) outward and 3 m (10 ft) to either side of the point where a fire escape meets the ground. See Figure PSC 114-317E1.

2. Padmounted oil-insulated transformers located beneath fire escapes shall have a vertical clearance of not less than 3 m (10 ft) from the top of the transformer to the bottom of the fire escape. See Figure PSC 114-317E2.

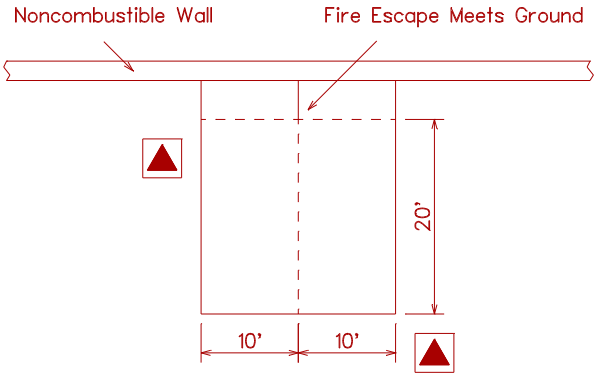

Figure PSC 114-317E1

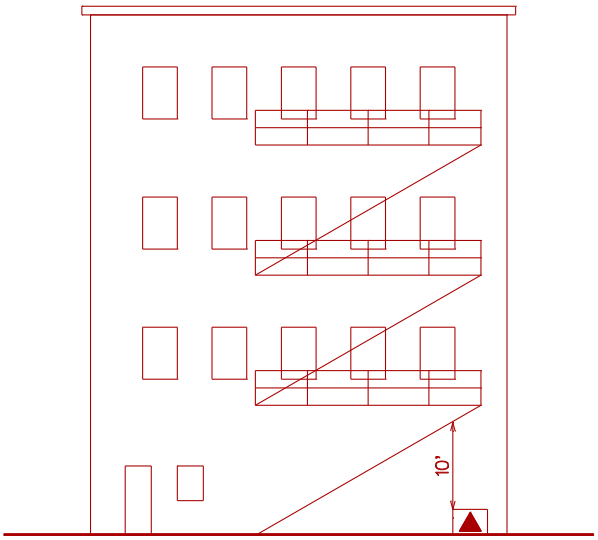

Figure PSC 114-317E2

Section 32. Underground Conduit Systems

PSC 114.320B7 Separation from other underground installations. [Follows NESC 320B6, p. 224] Add the following paragraph 7:

7. Gas Lines

a. The separation in any direction of gas transmission lines from electric supply and communication conduit systems shall be a minimum of 0.3 m (12 in).

b. The separation in any direction of gas distribution or service lines from electric supply and communication conduit systems shall be a minimum of 0.15 m (6 in).

Exception: If these separations cannot be attained, the gas line must be protected from damage that might result from the proximity of the electric supply or communication conduit system.

Note: The definition of gas "transmission line," "distribution line," and "service line", as used herein, is the same as that found in 49 CFR192.

PSC 114.323E Vault and utility tunnel access. [NESC 323E, p. 227] (Change and Addition) Change paragraph 3 to read:

3. Where accessible to the public, access doors to utility tunnels and vaults shall be locked unless qualified persons are in attendance to restrict entry by unqualified persons.

(Addition) Add Recommendation to read:

Recommendation: When vaults and utility tunnels contain exposed live parts, and where entry is through a vertical door a prominent safety sign should be visibly posted on the outside of the door.

Section 35. Direct-Buried Cable

PSC 114.350F General. [NESC 350F, p. 234](Section 35) (Change) Change paragraph F to read:

F. All direct-buried jacketed supply cable meeting Rule 350B and all direct-buried communication cables shall be legibly marked as follows:

The appropriate identification symbol shown in Fig 350-1 shall be indented or embossed in the outermost cable jacket at a spacing of not more than 1m (40 in). The symbol may be separate or sequentially combined with other data, or symbols, or both, printed on the jacket. If the symbol is sequentially combined, it shall be separated as indicated in Fig 350-1. If optional supplemental striping is used, only supply cables or non-metallic duct containing or intended to contain supply cables may have three equally separated longitudinal red stripes.

This rule applies to cable installed on or after January 1, 1996.

Exception 1: Cables with jackets that cannot be effectively marked in accordance with Rules 350F need not be marked.

Exception 2: Unmarked cable from stock existing prior to 1 January 1996 may be used to repair unmarked direct-buried jacketed supply cables and communication cables.

Table PSC 114.352-1 **[NESC Table 352-1, p. 236]** Supply Cable or Conductor Burial Depth (Change and Addition)

Change the present "Exception" after the table to "Exception 1".

Add a new Exception 2 as follows:

Exception 2: Installations of insulated secondary underground cables operating at less than 600 volts between conductors shall be permitted to be laid on the ground during winter months provided they are suitably protected.

(Addition) Add Note to read:

Note: Grounding and bonding conductors are covered by Rule 093.

PSC 114.353E Deliberate separations—Equal to or greater than 300 mm (12 in) from underground structures or other cables. [Follows NESC 353D, p. 237] Add the following paragraph E:

E. Gas Lines

The separation in any direction of gas pipelines from direct- buried electric supply and communication facilities shall be a minimum of 0.3 m (12 in).

Exception: If this clearance cannot be attained, the gas line shall be protected from damage that might result from the proximity of the electric supply or communication direct-buried system.

PSC 114.354D1g Random separation – separation less than 300 mm (12 in) from underground structures or other cables. [NESC 354D1g, p. 238] Change paragraph g to read:

g. Adequate bonding shall be provided between the effectively grounded supply conductor or conductors and the communication cable shield or sheath at intervals that should not exceed 300 m (1,000 ft). At each above or below grade transformer or above or below grade pedestal, all existing grounds shall be interconnected. These include the primary neutral, secondary neutral, power cable shield, metal duct, or sheath and communication cable sheath. Communication protectors, communication service cable shields and secondary neutrals shall be connected to a common ground at each customer's service entrance when communication circuits are underground without separation from power conductors.

PSC 114.354E Supply and communication cables or conductors, foundations and water and sewer lines. [NESC 354E, p. 239] (Change) Change paragraph E to read:

E. Supply and Communication Cables or Conductors, Foundations and Water and Sewer Lines

(1) Supply cables and conductors and water and sewer lines or foundations may be buried together with no deliberate separation between facilities and at the same depth, provided all parties involved are in agreement.

(2) Communication cables and conductors and water and sewer lines or foundations may be buried together with no deliberate separation between facilities and at the same depth, provided all parties involved are in agreement.

(3) Supply cables or conductors, communication cables or conductors, water and sewer lines or foundations may be buried together with no deliberate separation between facilities and at the same depth, provided the applicable rules in Rule 354D are met and all parties involved are in agreement.

Section 38. Equipment

PSC 114.381H Warning signs. [Follows NESC 381G, p. 242] Add paragraph H to read:

H. Warning Signs

1. Where a padmounted transformer, switchgear, pedestal, or similar above-grade enclosure is not within a fenced or other protected area and contains live parts in excess of 600 volts, a permanent and conspicuous warning sign shall be provided on the outside of the enclosure which meets the requirements as to format and color of American National Standards Institute standard ANSI Z535.1-2006, ANSI Z535.2-2006, ANSI Z535.3-2006, ANSI Z535.4-2006, and ANSI Z535.5-2006 for safety signs.

2. Electric supply equipment installed prior to July 1, 2003 shall be signed to comply with these rules or the rule in effect in 2003. Warning signs installed as replacements or installed on new facilities shall comply with the standard as prescribed in s. PSC114.381H1 above. The "Mr. Ouch" symbol may be used as the optional pictorial part of this sign.

Part 4. Rules for the Operation of Electric Supply and Communications Lines and Equipment

Section 40. Purpose and Scope

PSC 114.402 Referenced sections. [NESC 402, p. 245] Change first sentence of Rule 402 to read:

The Introduction (Section 1) as amended by s. PSC 114.010, Definitions (Section 2) as amended by Section 2 of Chapter PSC 114, List of Referenced Documents (Section 3), and Grounding Methods (Section 9) as amended by Section 9 of Chapter PSC 114, shall apply to the requirements of Part 4.

[END]

****

EFFECTIVE DATE

Pursuant to s. 227.22(2), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

****

LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **07-021**

AN ORDER to repeal and recreate chapter PSC 114, relating to rules concerning electric safety-Revision of Volume 1 of the Wisconsin State Electrical Code.

Submitted by **PUBLIC SERVICE COMMISSION**

02-19-2007 RECEIVED BY LEGISLATIVE COUNCIL.

03-19-2007 REPORT SENT TO AGENCY.

RS:DLL

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536
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http://www.legis.state.wi.us/lc

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

   Comment Attached YES ☐ NO ☑

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

   Comment Attached YES ☑ NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

   Comment Attached YES ☐ NO ☑

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

   Comment Attached YES ☐ NO ☑

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

   Comment Attached YES ☑ NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

   Comment Attached YES ☐ NO ☑

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

   Comment Attached YES ☐ NO ☑

WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

Ronald Sidansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 07-021

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. The rule preface should follow the format described in s. 1.02 (2) (a), Manual. There is no analysis "printed as a preface to the text of the proposed rule," as s. 227.14 (2) (a), Stats., requires. A description of the subject matter and a statement that the rule is the adoption of a national standard "with certain changes, deletions, and additions," in what is presented as analysis in the hearing notice, does not inform the reader of how current law is changed by the rule.

b. Subchapters I and II appear to be unchanged except to update references to the National Electric Safety Code, as do many provisions of subch. III; many other changes to subch. III are simply the deletion of existing provisions or addition of new provisions. Changes of this nature may not justify repealing and recreating the entire chapter. A straightforward, section-by-section revision of ch. PSC 114, amending or repealing existing sections or creating new sections individually, would make the rule much more transparent.

c. The table of contents and the text of the rule should be made consistent for the titles to ss. PSC 114.007, 114-234E1, 114-234F1, and 114.350G (which is shown in the text as s. PSC 114.350F). Also, the table of contents does not list s. PSC 114.353E.

d. Section PSC 114.005 uses phrases such as "these rules," "any rules," "the rules," and "these provisions." These phrases should be replaced by an appropriate use of the phrase "this chapter." The entire rule should be reviewed for this problem.

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http://www.legis.state.wi.us/lc

e. In s. PSC 114.092D, the phrase "owner/operator" should be replaced by the phrase "owner or operator" and the phrase "and/or" should be replaced by the word "or."

f. In the exception to s. PSC 114.219, the phrase "…[revisor inserts date] should be inserted after the word "chapter."

g. In s. PSC 114.317 D, the word "above" should be replaced by an appropriate cross-reference.

h. In s. PSC 114.350F, the phrase "became effective for" should be replaced by the phrase "applies to."

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. PSC 114.001 (2), a space should be inserted between the words "may" and "be" in the third sentence.

b. The sentence "See s. 101.856, Stats." in s. PSC 114.003 (2) (a) and similar sentences in s. PSC 114.003 (3) (a) and (b) should be placed in notes, as is done in s. PSC 114.003 (2) (b).

c. The rule should be written in the active voice. For example, s. PSC 114.005 (3) should read: "The commission may modify or waive …." The first sentence of that subsection is superfluous, repeating language in sub. (1).

d. Many provisions of subch. III include a parenthetical notation indicating whether that provision is a change, addition, or deletion to the code. The use and placement of these notations should be consistent throughout the rule.

e. In s. PSC 114.202 (1), the word "current" presumably refers to the 2007 Edition. If so, this should be made clear.

f. In s. PSC 114.230A, "Rule" should be "Rules" and "is" should be "are." Alternatively, this could be written as: "Rule 230 A (1) and (2) … is …."

g. In s PSC 114.234E1, the word "a" should be inserted before the word "swimming."

h. It appears that s. PSC 114.234F1 (intro.) should read: (1) (Addition) Add Exception and Note to read:

i. In s. PSC 114.250C, a comma should be inserted after the phrase "ground or water level" in the second sentence.

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

RECEIVED
MAR 22 2007
Commissioners' Office

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Kevin Potter
Legal Services Administrator
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608/266-0332
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FAX 608/267-2223

March 21, 2007

RECEIVED
MAR 23 2007
Gas & Energy Division

Mr. Daniel R. Ebert
Chairperson
Public Service Commission
610 North Whitney Way
Madison, WI 53707

Dear Mr. Ebert:

On behalf of the Public Service Commission of Wisconsin ("Commission") you have asked our approval to incorporate portions of the 2007 Edition of the National Electrical Safety Code ("NESC-2007") into Volume 1 of the Wisconsin State Electrical Code, contained in Wisconsin Administrative Code chapter PSC 114.

We consent to the proposed incorporations by reference. NESC-2007 is a national standard promulgated by the Institute of Electrical and Electronic Engineers, Inc. ("IEEE"). The IEEE is an organization of recognized national standing, as required by section 227.21(2)(a) of the Wisconsin Statutes. Furthermore, the proposed rules are of limited public interest and the standards to be incorporated are readily available to the public in published form. Adding this material verbatim to the administrative rules would be unnecessarily voluminous and result in an unwarranted expense.

Sincerely,

Kevin Potter
Assistant Attorney General
Administrator, Legal Services

KP:RMH:cla

Wisconsin State Telecommunications Association

WSTA
Founded 1910

President
ROGER L. HERMSEN
President Elect
DOUGLAS J. WENZLAFF
Executive Director
WILLIAM EBBECK

Received
APR 13 2007
OGC

Public Service Commission of Wisconsin
04/12/07, 6:26:56 PM

Filed Via Electronic Regulatory Filing (ERF) System

April 12, 2007

Sandra J. Paske, Secretary to the Commission
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854

RE: In the Matter of Proposed Revisions of Wis. Admin. Code ch. PSC 114 as Wisconsin State Electrical Code, Volume 1, Docket No. 1-AC-223

Dear Secretary Paske:

On behalf of the Wisconsin State Telecommunications Association ("WSTA") I submit the attached Comments in the above-referenced docket.

If you have any questions or problems with this filing, please contact me at (608) 256-8866 ext. 23 or by email at brybarik@wsta.info.

Sincerely,

WISCONSIN STATE TELECOMMUNICATIONS ASSOCIATION

/s/ Brian J. Rybarik
Brian J. Rybarik (SBN 1047401)
Legal Counsel and
Manager of Regulatory Affairs

Attachment

121 East Wilson Street, Suite 102 • Madison, WI 53703 • PHONE: 608.256.8866 • FAX: 608.256.2676
E-mail: info@wsta.info • Website: www.wsta.info

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of Proposed Revisions of Wis. Admin. Code ch. PSC 114 as Wisconsin State Electrical Code, Volume 1	)))	1-AC-223

COMMENTS/TESTIMONY OF THE WISCONSIN STATE TELECOMMUNICATIONS ASSOCIATION

INTRODUCTION

The Wisconsin State Telecommunications Association ("WSTA")[1] submits these comments pursuant to the hearing notice in this docket. *In the Matter of Proposed Revision of Wis. Admin. Code ch. PSC 114 as Wisconsin State Electric Code, Volume 1*, Public Service Commission of Wisconsin, Notice of Hearing (March 12, 2007) (hereinafter the "*Notice*"). WSTA submits these written comments as its testimony in this docket, and a WSTA representative will be present at the April 13, 2007 hearing should there be any need to enter this testimony into the record through a more formal process.

PROCEDURAL HISTORY

Periodically, the Commission reviews and revises Wis. Admin. Code ch. 114, which is the Wisconsin State Electrical Code, Volume 1.[2] *Notice* at 2. The Wisconsin State Electrical Code is

[1] WSTA is a trade association representing the interests of telecommunications providers throughout the state of Wisconsin. Included in WSTA's membership is every Incumbent Local Exchange Carrier ("ILEC") in the state.

[2] There is also a corresponding Volume 2 to the state Electrical Code which is administered and enforced by the Wisconsin Department of Commerce. *See*, Wis. Admin. Code ch. Comm. 16; Wis. Admin. Code § PSC

essentially a state codification of the National Electric Safety Code ("NESC") with certain additions and subtractions. *Id.*; *see also*, Wis. Admin. Code § PSC 114.001(2) ("The public service commission has adopted the 2002 edition of the National Electrical Safety Code (NESC-2002) with certain deletions, changes and additions…"). The periodic revisions to the state code are done to incorporate or exclude changes made to the NESC, which is revised every 2-3 years.

In June of 2006, the Public Service Commission of Wisconsin (the "Commission") began the process of considering the most recent revisions to the NESC and the effect those revisions may have on the state code. The first step in this process was to issue a statement of scope for this rulemaking docket. *In the Matter of Proposed Revision of Wis. Admin. Code ch. PSC 114 as Wisconsin State Electric Code, Volume 1*, Public Service Commission of Wisconsin, Statement of Scope (June 1, 2006). Additionally, the Commission identified a technical advisory panel to address and consider revisions to the state code in light of changes to the NESC. *See, In the Matter of Proposed Revision of Wis. Admin. Code ch. PSC 114 as Wisconsin State Electric Code, Volume 1*, Public Service Commission of Wisconsin, PSC Cullen Technical Advisory Committee Letter and Roster (August 18, 2006).

The technical advisory panel consisted of a broad range of stakeholders, including members from Wisconsin's telecommunications industry. *Id.* at 3-5. WSTA staff and WSTA members participated in the technical advisory committee, represented by Brian Rybarik (WSTA), Rick Lehr (AT&T) and Randy Reif (Verizon). *Id.* at 5. However, the makeup of the technical advisory committee was skewed in favor of the electric industry. *Id.* at 3-5 (showing that the Wisconsin Utilities Association, the Wisconsin Federation of Cooperatives, the

---

114.001(1) (noting that the Department of Commerce is responsible for the administration of portions of the state electrical code).

Municipal Electric Utilities of Wisconsin all had members on the committee). Representatives of the telecommunications industry had a minority number of votes on the committee.

The technical advisory committee considered and adopted many revisions to the NESC. WSTA representatives suggested relatively few changes, many of which were aimed at the form the rules should take. However, at the technical advisory committee's December 8th, 2006 meeting, WSTA representatives did propose an important explanatory addition to the NESC. WSTA's proposal encouraged the panel to adopt an exception[3] to the NESC to clarify when the protective clothing requirements of the code should be imposed. WSTA's exception was aimed specifically at situations where telecommunications facilities are collocated with electric facilities, but where potential high-voltage concerns are not present.

While the committee did not adopt the WSTA proposal, it is important that the Commission consider the effect that certain interpretations of the NESC may have on all of the utility ratepayers in Wisconsin. As is shown below, a review of the entire situation encourages the Commission to adopt an exception that will clarify the intent of the NESC and encourage a cost-effective approach to the interpretation and implementation of the NESC's requirements.

COMMENTS/TESTIMONY

The current version of the NESC states:

> Effective as of January 1, 2009, the employer shall ensure that an assessment is performed to determine potential exposure to an electric arc for employees who work on or near energized parts for equipment. If the assessment determines a potential employee exposure greater than 2 cal/cm^2 exists ... the employer shall require employees to wear clothing or a clothing system that has an effective arc rating not less than the anticipated level of arc energy.

NESC, Section 410.A.3.

[3] The use of the term "exception" is somewhat misleading here since the WSTA proposal is truly a clarification. However, the term exception is used to conform with the language used in the current version of Wis. Admin. Code ch. PSC 114.

The terms of this rule show that the intent is to protect utility workers who perform work on high voltage facilities or in the hazardous areas of an electric facility. With respect to the "hazardous areas," by the terms of the rule, the facility owner has a duty to make an assessment of the facility. NESC 410.A.3.(the employer "shall ensure that an assessment is performed"). Once the assessment is complete and the hazardous areas are determined, facility owners must ensure that proper clothing is worn by workers performing work inside the barrier specified for the arc flash hazard analysis. *Id.* (the clothing requirements are to be connected to the arc hazard in the various areas of the facility).

WSTA proposed to the technical advisory committee (and proposes again here) an exception to the NESC rule to further clarify the intent of the rule. The clear intent of the NESC is to provide additional protections for workers who perform work in those higher-risk areas of the substation, not in the relatively low-voltage, low-risk communications areas. Telecommunications equipment operates at significantly lower voltages than electric facilities, and below that specified by NFPA70E, which triggers the arc flash hazard analysis. While all areas of the substation must be respected for the possibility of high-voltage events, the work area generally provided for control and telecommunications equipment is in low-risk and low-voltage areas. WSTA members indicate that in many facilities, the arc hazard area is actually clearly designated by way of lines on the floor so that communications workers can avoid the higher voltage areas.

WSTA is concerned that, without an additional clarification, there may be unintended interpretations of the NESC requirements that will impose unnecessary costs on Wisconsin's telecommunications utilities. The specific exception WSTA proposes is as follows:

"Section 41. Supply and communications systems—Rules for employers

PSC 114.410 General Requirements. Add the following exception to Rule 410A1-3:

Exception 3: "The clothing requirements of this section do not apply to maintenance personnel working on systems below 300 V DC, unless it is affirmatively shown that the low voltage facilities are in an area exposed to an arc hazard that would otherwise be subject to the clothing requirements in this rule."

This exception will make clear that the clothing requirements in the rule are applied to workers who are actually working within the potentially hazardous areas of a facility. This clarification is also consistent with the language in NESC Section 410.A.3, which acknowledges that potential arc exposure of less than 2 cal/cm^2 does not require protective clothing. The 300 V DC standard reflected in WSTA's proposed exception is consistent with the 2 cal/cm^2 standard, and the clarification simply confirms that the clothing requirements need not apply to workers who perform their duties in the low-risk areas of the facility.

WSTA's concern about unintended interpretations of the NESC requirements is not unfounded. Already, Wisconsin utilities have indicated that telecommunications workers that enter their facilities must abide by the NESC's clothing requirement in every area of their transmission facilities, regardless of the potential arc exposure.[4]

Such an interpretation of the NESC goes against both the letter and the spirit of the code, and does so without any corresponding benefit to safety. This interpretation does not rely on an actual assessment of the arc flash hazard area within the facilities. Instead, under this interpretation, a utility could simply designate every area as being hazardous, most likely to relieve the utility from performing the requisite arc flash hazard analysis. WSTA's proposal

[4] At least one WSTA member has received notification of a utility's plan to impose very stringent clothing requirements in its facilities – even for workers who only operate in the low-voltage, low-risk telecommunications areas of the facility.

would simply clarify that the clothing requirements of the NESC are only required for employees who work on high-voltage facilities and employees who work within the designated hazardous areas.

The technical advisory committee did not adopt WSTA's proposed exception because some committee members apparently believed that it could compromise safety. This is a misunderstanding. It goes without saying that WSTA members place the highest priority on the safety of their employees. The exception proposed above will not have an impact on safety, but will help carry out the intent of the NESC. Indeed, if it is affirmatively shown that the communications facilities are in a high-risk area, telecommunications companies will comply with the rule's clothing requirements or, in the alternative, move the communications facilities to less dangerous area. Regardless, safety will be the top priority.

The NESC clearly defines a careful balance between safety and cost-effective service provision. Some interpretations of the NESC would tip this balance towards inefficiency in order to alleviate the need to perform a proper arc flash hazard analysis. Adopting the WSTA proposal would preserve this balance.

WSTA's proposed exception is needed to clarify the rule and discourage an interpretation of the NESC that imposes unnecessary requirements on telecommunications providers in order to relieve facility owners of their obligation to perform an arc flash hazard analysis before requiring the use of protective clothing. Furthermore, WSTA's proposal would encourage facility owners to actually fulfill their duties under the NESC and perform the requisite assessment of the potentially hazardous areas of their facilities. Clarifying the requirements of the NESC will avoid a situation where unnecessary costs are imposed on Wisconsin's ratepayers. This interpretation will also preserve the important balance between

safety and efficiency. WSTA respectfully requests that the Commission adopt the above-proposed exception in Wis. Admin. Code PSC ch. 114 to clarify the NESC requirements in Wisconsin.

Dated this 12th day of April, 2007.

WISCONSIN STATE TELECOMMUNICATIONS ASSOCIATION

By: /s/ *Brian J. Rybarik*

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Docket 1-AC-223 Attachment B

2007 Session

LRB or Bill No./Adm. Rule No.
1-AC-223

Amendment No. if Applicable

☒ ORIGINAL ☐ UPDATED
☐ CORRECTED ☐ SUPPLEMENTAL

FISCAL ESTIMATE

DOA-2048 N(R10/96)

Subject

Revision of Wis. Admin. Code Ch. PSC114 State Electrical Code

Fiscal Effect

State: ☒ No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

☐ Increase Existing Appropriation ☐ Increase Existing Revenues
☐ Decrease Existing Appropriation ☐ Decrease Existing Revenues
☐ Create New Appropriation

☐ Increase Costs - May be possible to Absorb Within Agency's Budget ☐ Yes ☐ No

☐ Decrease Costs

Local: ☒ No local government costs

1. ☐ Increase Costs ☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs ☐ Permissive ☐ Mandatory
3. ☐ Increase Revenues ☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenues ☐ Permissive ☐ Mandatory
5. Types of Local Governmental Units Affected:
☐ Towns ☐ Villages ☐ Cities
☐ Counties ☐ Others _____
☐ School Districts ☐ WTCS Districts

Fund Sources Affected
☐ GPR ☐ FED ☒ PRO ☐PRS ☐ SEG ☐ SEG-S

Affected Ch. 20 Appropriations
20.155(l)(g)

Assumptions Used in Arriving at Fiscal Estimate

The revision of these rules do not result in any increase costs to state or local government.

Long-Range Fiscal Implications

None.

Agency/Prepared by: (Name & Phone No.)	Authorized Signature/Telephone No.	Date
PSC/Gordon Grant 267-9086	Gordon Grant	01/10/07