

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
 A Statement of Need and Fiscal Impact accompanies this form.

Public Utility Commission	860
Agency and Division	Administrative Rules Chapter Number
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RULE CAPTION

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

In the Matter of Amending Vegetation Clearance Requirements for Electric Transmission Lines over 50,000 Volts.

Hearing Date	Time	Location	Administrative Law Judge
April 23, 2007	9:00 a.m.	Public Utility Commission Main Hearing Room, First Floor 550 Capitol Street NE Salem, Oregon	Christina Hayes

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (adopted or renumbered) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: Section (5) of OAR 860-024-0016

REPEAL:

RENUMBER:

AMEND and RENUMBER:

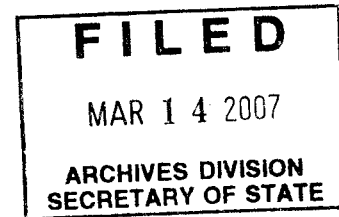
ORS 183,756 & 757

Stat. Auth:

ORS 756.040, 757.035

Other Authority

Stats. Implemented:



RULE SUMMARY

This rulemaking is needed to correct an apparent error made in Commission Order #06-547 (Rulemaking Docket AR 506 Phase I). In that order, the Commission adopted OAR 860-0240016(5)(d) allowing the limited intrusion of small branches and new tree growth in established minimum clearances "provided that the vegetation does not come closer than six inches to the conductor." As adopted, this limited intrusion provision applies to transmission conductors, as covered by OAR 860-024-0016(5)(a) and (5)(b). PUC Staff believes that none of the rulemaking participants in AR 506 intended this result. *See*, items 2 through 8 in section below entitled, "Documents Relied Upon." This provision was only intended to apply to distribution facilities, as covered in subsection (5)(c).

To correct this error, PUC Staff is proposing a permanent rule change that makes the limited intrusion provision applicable to only primary distribution conductors that are energized between 600 to 50,000 volts. The operators subject to this rule include electric utilities (e.g. public

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utilities and consumer-owned utilities) and others that own, operate or control electric transmission lines and facilities that are subject to Oregon PUC safety authority as established in ORS 757.035, OAR 860-024-0010, and the National Electrical Safety Code (NESC).

It should also be noted that the North American Electric Reliability Corporation (NERC) and the Federal Energy Reliability Commission (FERC) are currently in the process of changing their vegetation clearance standard for transmission lines. This standard will become federal law when adopted by FERC later this year. PUC Staff will review the revised NERC transmission standard when it is finalized and adopted by FERC. PUC Staff is committed to working with interested persons in making the agency's transmission clearance requirements more in conformity with NERC's standard. This would probably result in another rulemaking effort later this year or early next year on this same matter.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

April 23, 2007, 5:00 p.m.

Last day for Public Comment
Last day to submit written comments to the Commission

Diane Davis

Signature

Diane Davis

Printed Name

3/14/07

Date

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Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Agency and Division

Administrative Rules Chapter Number

Public Utility Commission

860

In the Matter of Amending Vegetation Clearance Requirements for Electric Transmission Lines over 50,000 Volts.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of Amending Vegetation Clearance Requirements for Electric Transmission Lines over 50,000 Volts.

Statutory Authority: ORS 183, 756 & 757

Other Authority:

Stats. Implemented: ORS 756.040, 757.035

Need for the Rule(s):

This rulemaking is needed to correct an apparent error made in Commission Order #06-547 (Rulemaking Docket AR 506 Phase I). In that order, the Commission adopted OAR 860-024-0016(5)(d) allowing the limited intrusion of small branches and new tree growth in established minimum clearances “provided that the vegetation does not come closer than six inches to the conductor.” As adopted, this limited intrusion provision applies to transmission conductors, as covered by OAR 860-024-0016(5)(a) and (5)(b). PUC Staff believes that none of the rulemaking participants in AR 506 intended this result. *See*, items 2 through 8 in section below entitled, “Documents Relied Upon.” This provision was only intended to apply to distribution facilities, as covered in subsection (5)(c).

An amended rule is needed now to ensure that operators of electric transmission lines have programs and perform the necessary trimming to ensure that appropriate vegetation clearances are maintained to transmission lines. The operators subject to this rule include electric utilities (e.g. public utilities and consumer-owned utilities) and others that own, operate or control electric transmission lines and facilities that are subject to Oregon PUC safety authority as established in ORS 757.035, OAR 860-024-0010, and the National Electrical Safety Code (NESC).

To correct this error, PUC Staff is proposing a permanent rule change that makes the limited intrusion provision applicable to only primary distribution conductors that are energized between 600 to 50,000 volts.

Documents Relied Upon, and where they are available:

1. Oregon Revised Statutes (ORS) 757.035 and Oregon Administrative Rules (OAR) in Chapter 860, Divisions 24 (available at <http://www.leg.state.or.us/ors/757.html> and http://arcweb.sos.state.or.us/rules/OARS_800/OAR_860/860_024.html)

2. Oregon Public Utility Commission Order #06-547, dated 9-26-06; Docket AR 506, Phase I; Rulemaking to Amend and Adopt Permanent Rules in OAR 860, Divisions 024 and 028 Regarding Pole Attachment Use and Safety. (available at <http://apps.puc.state.or.us/orders/2006ords/06-547.pdf>)
3. Comments of Oregon PUC Staff on Division 24 Proposed Rules, dated August 22, 2006, especially note Staff Exhibit 2, pages 6 and 7 associated with proposed rule OAR 860-024-0016 (available at <http://edocs.puc.state.or.us/efdocs/HAC/ar506hac115415.pdf>)
4. Comments of Oregon PUC Staff on Division 24 Proposed Rules, dated August 23, 2006, note the second paragraph associated with proposed rule OAR 860-024-0016 (available at <http://edocs.puc.state.or.us/efdocs/HAC/ar506hac135856.pdf>)
5. OREGON JOINT USE ASSOCIATION's Supplemental Comments to Docket AR 506, Phase I; electronically filed by Christy Monson; received by the PUC on 5/3/06; especially note pages 15 to 18 (available at <http://edocs.puc.state.or.us/efdocs/HAC/ar506hac141548.pdf>)
6. PORTLAND GENERAL ELECTRIC COMPANY's Second Round Comments with Exhibits 1, 2, & 3. Electronically filed by Inara K. Scott. See page 10, note 5. (available at <http://edocs.puc.state.or.us/efdocs/HAC/ar506hac134818.pdf>)
7. Complete Rulemaking Docket AR 506 Summary, which includes hearing and workshop information along with written comments from industry and others (available at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=13128>)
8. PUC Staff's Policy on Tree Clearances issued in 1982 and revised in 1987 (available at <http://www.puc.state.or.us/PUC/safety/trees.pdf>)
9. Statement of Need and Fiscal Impact (attached to Notice of Rulemaking Hearing for AR 506 Phase I – Continuation and available at <http://edocs.puc.state.or.us/efdocs/HCB/ar506hcb135854.pdf>)

Fiscal and Economic Impact, including Statement of Cost of Compliance:

The proposed amendment will have a cost impact on businesses, including applicable small businesses; government entities; and other organizations such as electric utilities, public utilities, consumer-owned electric utilities, and other operators that construct, operate or maintain electric transmission lines and associated facilities. The potential magnitude of changes in costs will be variable upon different electric utilities and operators and cannot be quantified at this time due to the wide variety of vegetation management programs conducted by each of the forty electric utilities and other electric transmission operators in Oregon. Also, various agencies and local governments impose restrictions on electric utilities and electric transmission operators as to permissible vegetation management practices. Increases in costs can be expected for those operators that have not been in compliance with the existing maintenance requirements of the NESC and PUC.

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

Workshops and hearings were conducted in docket AR 506 Phase I. Representatives of utilities, utility providers, operators, and industry associations have attended and participated in the open workshops and hearings. The Oregon Joint Use Association (OJUA) and other utility industry associations, which represent both small and large entities, were actively involved in the workshops and the hearing. This rulemaking is limited to correcting an apparent error in the adopted language of one rule provision adopted in AR 506, Phase 1. PUC Staff solicited comments on this proposed amendment from the AR 506 participants.

Administrative Rule Advisory Committee consulted? No**If not, why?**

The OJUA and electric utilities, their associations, and interested persons were invited and were actively involved in the AR 506 rulemaking workshops and hearing.

<u>Diane Davis</u>	Diane Davis	3-14-07
Authorized Signer	Printed Name	Date

860-024-0016

Minimum Vegetation Clearance Requirements

(1) For purposes of this rule:

(a) "Readily climbable" means vegetation having both of the following characteristics:

(A) Low limbs, accessible from the ground and sufficiently close together so that the vegetation can be climbed by a child or average person without using a ladder or other special equipment; and

(B) A main stem or major branch that would support a child or average person either within arms' reach of an uninsulated energized electric line or within such proximity to the electric line that the climber could be injured by direct or indirect contact with the line.

(b) "Vegetation" means trees, shrubs, and any other woody plants.

(c) "Volts" means nominal voltage levels, measured phase-to-phase.

(2) The requirements in this rule provide the minimum standards for conductor clearances from vegetation to provide safety for the public and utility workers, reasonable service continuity, and fire prevention. Each operator of electric supply facilities must have a vegetation management program and keep appropriate records to ensure that timely trimming is accomplished to keep the designated minimum clearances. These records must be made available to the Commission upon request.

(3) Each operator of electric supply facilities must trim or remove vegetation to maintain clearances from electric supply conductors.

(4) Each operator of electric supply facilities must trim or remove readily climbable vegetation as specified in section (5) of this rule to minimize the likelihood of direct or indirect access to a high voltage conductor by a member of the public or any unauthorized person.

(5) Under reasonably anticipated operational conditions, an operator of electric supply facilities must maintain the following minimum clearances of vegetation from conductors:

(a) Ten feet for conductors energized above 200,000 volts.

(b) Seven and one-half feet for conductors energized at 50,001 through 200,000 volts.

(c) Five feet for conductors energized at 600 through 50,000 volts, ~~except~~

(A) Clearances may be reduced to three feet if the vegetation is not readily climbable.

~~(B)~~ Intrusion of limited small branches and new tree growth into this minimum clearance area is acceptable provided the vegetation does not come closer than six inches to the conductor.

(6) For conductors energized below 600 volts, an operator of electric supply facilities must trim vegetation to prevent it from causing strain or abrasion on electric conductors. Where trimming or removal of vegetation is not practical, the operator of electric supply facilities must install suitable material or devices to avoid insulation damage by abrasion.

(7) In determining the extent of trimming required to maintain the clearances required in section (5) of this rule, the operator of electric supply facilities must consider at minimum the following factors for each conductor:

(a) Voltage;

(b) Location;

(c) Configuration;

(d) Sag of conductors at elevated temperatures and under wind and ice loading; and

(e) Growth habit, strength, and health of vegetation growing adjacent to the conductor, with the combined displacement of the vegetation, supporting structures, and conductors under adverse weather or routine wind conditions.

Stat. Auth.: ORS Ch. 183, 756, 757 & 758

Stats. Implemented: ORS 757.035 & 758.280 through 758.286