

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 528

In the Matter of)	
)	
Amending OAR 860-024-0010 Regarding)	ORDER
the Arc Flash Protection Rule in 2007)	
NESC.)	

DISPOSITION: RULE AMENDED

At the August 26, 2008, Public Meeting, Commission Staff (Staff) recommended that the Commission initiate this rulemaking to allow a twelve-month delay of the January 1, 2009, effective date for the National Electrical Safety Code (NESC) Rule 410.A.3, commonly known as the “Arc Flash Protection Rule.” After considering comments offered at the Public Meeting, the Commission adopted Staff’s recommendation to initiate the rulemaking, and directed the electric utilities to report in six months on the progress made toward compliance with the Arc Flash Protection Rule.

On September 12, 2008, the Public Utility Commission of Oregon (Commission) filed a Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact with the Secretary of State. On September 16, 2008, notice was provided to certain legislators specified in ORS 183.335(1)(d) and to all interested persons on the service lists maintained pursuant to OAR 860-011-0001. Notice of the rulemaking was published in the October 2008 *Oregon Bulletin*.

Oregon Trail Electric Consumers Cooperative (OTECC) filed comments in support of the proposed rule amendment on September 30, 2008. On October 3, 2008, Commission Staff (Staff) filed supporting comments that summarized its investigation into the new arc hazard rules as directed by the Commission in Order No. 07-179. On October 31, 2008, PacifiCorp dba Pacific Power (Pacific Power) also filed comments in support of the proposed amendment.

The Commission held a public comment hearing on November 6, 2008. At the hearing, Portland General Electric Company (PGE) offered comments in support of the proposed amendment. The Commission received comments on the proposed amendment through November 13, 2008, and both PGE and Staff filed written comments to add to the record the documents referenced in their oral comments at the hearing.

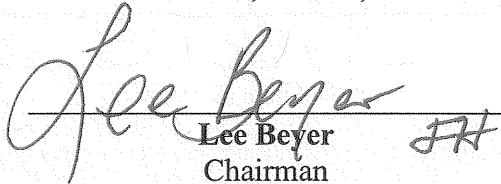
No comments opposed the amendment. Rather, the consensus of Staff and the participants is that the proposed amendment to Oregon Administrative Rule 860-024-0010, as set forth in Appendix A, is necessary for proper implementation of the Arc Flash Protection Rule. To prevent any further delay, however, we remind the electric utilities that reports are due, on February 26, 2009, regarding actions to ensure compliance with the Arc Flash Protection Rule by the revised effective date of January 1, 2010.

ORDER

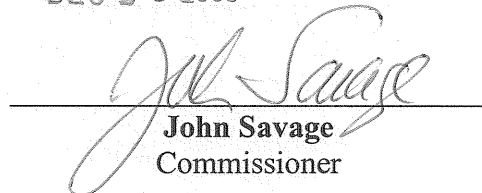
IT IS ORDERED that:

1. The modifications to Oregon Administrative Rule 860-024-0010, as set forth in Appendix A, are adopted.
2. The amended rules become effective upon filing with the Secretary of State.
3. The electric utilities must file reports by February 26, 2009, regarding actions to ensure compliance with the Arc Flash Protection.

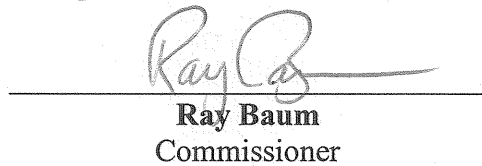
Made, entered, and effective DEC 23 2008.



Lee Beyer
Chairman



John Savage
Commissioner



Ray Baum
Commissioner



A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

860-024-0010

Construction, Operation, and Maintenance of Electric Supply and Communication Lines

(1) Except as provided in section (2), Every operator shall construct, operate, and maintain electrical supply and communication lines in compliance with the standards prescribed by the 2007 Edition of the National Electrical Safety Code approved June 16, 2006, by the American National Standards Institute.

(2) Rule 410.A.3 of the 2007 Edition of the National Electrical Safety Code will not become effective until January 1, 2010.

[Publications: Publications referenced are available **for review** from the Commission.]

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

Stats. Implemented: ORS 757.035

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 173, f. & ef. 1-14-76 (Order No. 76-037); PUC 1-1978, f. 1-13-78, ef. 2-13-78 (Order No. 78-076); PUC 3-1981, f. & ef. 6-4-81 (Order No. 81-361); PUC 12-1984, f. & ef. 6-5-84 (Order No. 84-424); PUC 11-1987, f. & ef. 10-8-87 (Order No. 87-861); PUC 6-1990, f. & cert. ef. 5-25-90 (Order No. 90-833); PUC 11-1993, f. & cert. ef. 6-23-93 (Order No. 93-809); PUC 13-1994, f. & cert. ef. 8-31-94 (Order No. 94-1243); PUC 7-1997, f. & cert. ef. 2-6-97; PUC 9-2002, f. & cert. ef. 2-26-02; PUC 6-2007, f. & cert .ef. 5-14-07 (Order No. 07-179)