

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 656

In the Matter of

Rulemaking Updating OAR 860-024-0010 to
Adopt the National Electric Safety Code,
2023 Edition.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

This order memorializes our decision, made and effective at March 21, 2023 Regular Public Meeting, to adopt Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

Made, entered, and effective Mar 21 2023.



Megan W. Decker
Chair



Letha Tawney
Commissioner



Mark R. Thompson
Commissioner

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: March 21, 2023**

REGULAR ___ CONSENT ___ RULEMAKING X EFFECTIVE DATE N/A

DATE: March 9, 2023

TO: Public Utility Commission

FROM: Leon Grumbo

THROUGH: Bryan Conway and Heide Caswell **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. AR 656)
Requesting Approval to Issue a Notice of Proposed Rulemaking to Update
OAR 860-024-0010 to Adopt 2023 Edition of National Electric Safety Code

STAFF RECOMMENDATION:

Approve the request to open a formal rulemaking without informal proceedings and issue a notice of proposed rulemaking to adopt the 2023 Edition of National Electric Safety Code (NESC) in permanent rules.

DISCUSSION:

Issue

Whether the Commission should open a formal rulemaking without informal proceedings and issue a notice of proposed rulemaking to adopt the 2023 NESC into OAR 860-024-0010. These rule changes require subject operators to stay up to date with current national standards and practices used in the construction, operation, and maintenance of electric supply lines and communication lines.

Applicable Rule or Law

Per ORS 756.040, the Commission has authority to supervise and regulate every public utility in Oregon, and to do all things necessary and convenient in the exercise of such power and jurisdiction. Under ORS 756.060, the Commission may adopt reasonable and proper rules relative to all statutes administered by the Commission.

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ORS 757.035(1) provides the Commission with the authority to adopt safety rules and regulations “in such manner as to protect and safeguard the health and safety of all employees, customers and the public, and to this end to adopt and prescribe the installation, use, maintenance and operation of appropriate safety or other devices, or appliances, to establish or adopt standards of construction or equipment, and to require the performance of any other act which seems to the commission necessary or proper for the protection of the health or safety of all employees, customers or the public.”

Analysis

On August 1, 2022, the 2023 Edition of the NESC was published. It was the result of code changes evaluated through the rigorous process conducted by the Institute of Electrical and Electronics Engineers. The NESC became effective on February 1, 2023. OPUC Staff performed side-by-side comparisons of the editions (2023 versus 2017) and found limited changes, many of which were helpful clarifications as supply side resources become more prevalent, in addition to certain housekeeping updates. Generally, all changes appear to improve the safety, reliability, and security of the electric system.

Background

With the most recent update of the NESC being published on August 1, 2022, and becoming effective on February 1, 2023, on December 28, 2022, the OPUC simultaneously opened Docket No. AR 656 and issued an All-Utility Letter to Operators in Oregon to invite comment on a proposed adoption of the 2023 NESC. Staff scheduled and conducted an informal workshop on January 17, 2023, to evaluate impacts to Utility Operators based upon its implementation. Limited feedback was received about the impacts, with no Operators objecting to its adoption.

Conclusion

Staff recommends the Commission open a formal rulemaking without informal proceedings and issue a notice of proposed rulemaking to adopt the 2023 Edition of the NESC into OAR 860-024-0010 as shown on Attachment 1.

PROPOSED COMMISSION MOTION:

Approve the request to open a formal rulemaking without informal proceedings and issue a notice of proposed rulemaking to adopt the 2023 Edition of the NESC into OAR 860-024-0010 as shown on Attachment 1.

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Attachment 1

860-024-0010

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

Every operator shall construct, operate, and maintain electrical supply and communication lines in compliance with the standards prescribed by the **2023** Edition of the National Electrical Safety Code approved **April 25, 2022**, by the American National Standards Institute.

[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 (Order No. 97-032); PUC 9-2002, f. & cert. ef. 2-26-02 (Order No. 02-119); PUC 6-2007, f. & cert. ef. 5-14-07 (Order No. 07-179); PUC 5-2008, f. & cert. ef. 12-29-08 (Order No. 08-599); PUC 2-2012, f. & cert. ef. 3-9-12 (Order No. 12-081)