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March 4, 2016

Rosemary Chiavetta, Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg PA 17105-3265

Re: Rulemaking Re Electric Safety Regulations, 52 Pa.
Code Chapter 57, Docket No. L-2015-2500632

Dear Secretary Chiavetta:

Enclosed for filing please find the Comments of the Pennsylvania AFL-CIO Utility
Caucus in the above-referenced rulemaking proceeding.

The document was filed electronically with the Commission on this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Rubin". The signature is fluid and cursive, with the first name "Scott" and last name "Rubin" clearly distinguishable.

Enclosure

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rulemaking Re Electric Safety : Docket No. L-2015-2500632
Regulations, 52 Pa. Code Chapter 57 :

COMMENTS OF THE
PENNSYLVANIA AFL-CIO UTILITY CAUCUS

On November 19, 2015, the Pennsylvania Public Utility Commission (“Commission”) issued a Proposed Rulemaking Order containing proposed updates and changes to the Commission's Electric Safety Regulations, 52 Pa. Code Ch. 57. The proposed regulations were published in the *Pennsylvania Bulletin* on February 6, 2016. 46 Pa. B. 654. The Pennsylvania AFL-CIO Utility Caucus (“AFL-CIO”) files these Comments on the proposed regulations.

Initially, AFL-CIO commends the Commission for proposing to clarify the safety-related responsibilities of electric distribution companies (“EDCs”). AFL-CIO's members include the International Brotherhood of Electrical Workers and the Utility Workers Union of America who represent thousands of employees of Pennsylvania's EDCs, including the men and women who work on the EDCs' outside facilities (poles, wires, conduit, substations, and so on). AFL-CIO's members also represent employees of other Pennsylvania utilities (both Commission-regulated public utilities and municipally owned utility service providers), including telecommunications, natural gas, water, and wastewater providers, who often work in close proximity to EDC facilities. AFL-CIO agrees with the Commission that further clarification of safety responsibilities is necessary, and that it is important for the Commission to use its authority under the Public Utility Code to do so.

In the interests of enhancing worker and public safety, and to further improve clarity and the linkage between the Commission's safety regulations and the National Electrical Safety Code ("NESC"), AFL-CIO recommends the following changes in the Commission's proposed regulations.

1. Definition of Service Point / Point of Delivery

The Commission properly states that it is important for its regulations to incorporate and be consistent with the NESC. The Commission proposes to define "Service point / Point of delivery" as "the location designated by the electric utility where the utility's service supply lines terminate and the customer's facilities for receiving service begin." Proposed change in § 57.1. The NESC, however, defines "service point" as "the point of connection between the facilities of the serving utility and the premises wiring." NESC, p. 15.¹ The important difference between the definitions is that the NESC definition applies even in those instances where the utility may not have "designated" a point of interconnection. While, as the NESC states in the note to that definition, the "service point is *generally* determined by the utility" (emphasis added), there may be instances when the utility has not clearly designated the location for the point of delivery. In such instances, the NESC's definition would be preferable because it is based on the nature of the physical equipment, even where the utility has not "designated" a particular location.

In addition, "facilities" is a defined term in Section 102 of the Public Utility Code where it refers to physical plant and equipment (and related property) of a public utility. It may be confusing to use that same term in a regulation as referring to the property of a customer.

¹ All citations herein to the NESC are to the most recent edition, the 2012 edition.

For purposes of consistency and clarity, therefore, AFL-CIO recommends that the Commission modify the proposed definition to read as follows:

Service point / Point of delivery – ~~The location designated by the electric utility where the utility's service supply lines terminate and the customer's facilities for receiving service begin.~~ The point of connection between the facilities of the EDC and the customer's premises wiring.

2. Duty of Electric Utility to Employees of Other Utilities

AFL-CIO is aware of two serious problems in the Commonwealth involving coordination between EDCs and field employees of water and wastewater providers. Each of these problems is described below, and each creates safety hazards for field workers of water and wastewater service providers.

First, there are many instances around the Commonwealth where water and wastewater mains are buried in close proximity to energized EDC lines. When a water or wastewater main is leaking, or has ruptured, a potentially hazardous situation arises where the water / wastewater employee may be standing in a trench filled with water while there is an energized electric line in the same trench. AFL-CIO is aware of situations where coordination between the water or wastewater utility and the EDC was not clear, and water utility employees are directed to move energized electric lines, often without the proper equipment, training, or protective clothing. Indeed, AFL-CIO understands that it is common safety practice among EDC employees to refuse to enter a trench with an energized electric line, yet water utility workers are routinely told to do so. Moreover, some EDCs do not respond to requests to de-energize a line when there is an open trench for water or wastewater work.

Second, it has been common practice for many decades to connect the ground for a home or business to the copper water service line. If an EDC's neutral becomes damaged, the water line then serves the function of the neutral and completes the circuit back to the EDC's

transformer. When this occurs, water workers are in danger of receiving an electric shock; in some cases a severe shock (water workers have measured the current at 8 amps or more).

Moreover, when a water worker severs a pipe to remove a defective section, or removes a water meter for repair or replacement, the current back to the transformer is interrupted. Sometimes this causes electronics in the home or business to be damaged or destroyed. In every one of these instances, water workers can and do receive electric shock.

Unfortunately, when water companies call the EDCs for assistance, the EDCs often respond that it is the homeowner's problem (even though the root of the problem usually is a damaged EDC neutral), and the EDC refuses to send a representative. In some cases, the electric company may send a service person, but they usually are directed to not remove the electric meter from the home to mitigate the issue while the work is performed.

As part of their public safety obligation, EDCs should be required to respond to the site and mitigate the hazard quickly so that the water workers can continue to restore service to customers without risking bodily harm to the water worker or physical harm to the customer's electronics. After the water work has been completed, the electric companies should be required to install permanent remedies (such as repairing a damaged neutral) so that the next water worker will not be needlessly shocked.

AFL-CIO recommends, therefore, that the duties of EDCs expressly include (1) responsibility for all EDC facilities within a common trench that is opened by any other utility or service provider that shares the underground space with the EDC, and (2) a duty of safety to water workers once an energized water line has been identified. AFL-CIO recognizes that sections 353 and 354 of the NESC contain separation requirements among different types of

underground facilities.² Some of those requirements permit an electric utility's lines to lie directly on non-metallic water or wastewater mains. Other NESC requirements permit a separation of as little as 12 inches between electric lines and metallic water or wastewater mains (with the electric lines usually being closer to the surface than the water or wastewater mains).

AFL-CIO, therefore, proposes the following changes in § 57.28(a):

(a) Duties and responsibilities between EDC, EDC customers, and other utility service providers. The separation of duties and responsibilities between an electric utility and a customer with respect to the facilities utilized for electric service shall be effectively described in the electric utility's tariff that is filed with and approved by the Commission. The separation of duties and responsibilities between an electric utility and another utility service provider shall be as set forth below, unless there is a joint use or similar agreement between the electric utility and other utility service provider.

(1) Duty of electric utility.

(i) An electric utility shall use every reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employees, customers, the general public, employees of other utility service providers, and others may be subjected to by reason of its provision of electric distribution service and its associated equipment and facilities.

(ii) When an EDC's facilities share a common trench or other underground space with the property, plant, or equipment of another utility service provider (including, but not limited to, a natural gas, communications, water or wastewater utility service provider), the EDC shall be solely responsible for moving any EDC facilities that may be necessary in order for the other utility service provider to access the other provider's property, plant, or equipment.

(iii) The EDC shall comply with the separation requirements in the NESC for underground facilities that share a common underground space.

(iv) The EDC shall promptly respond to notifications from water service providers that an energized water service line has been identified. The EDC shall immediately make the condition safe for work by the water service provider and shall, within a reasonable period of time, permanently remedy the condition that caused electric current to flow on the water service line.

(2) Customer responsibility.

(i) A customer shall be responsible for the ownership and maintenance of the customer's facilities electrical wiring and electrical equipment beyond the service point.

² NESC, pp. 251-254.

(ii) A customer shall be responsible for maintaining and inspecting electrical wiring and electrical equipment beyond the point of delivery of electric supply.

(3) Other utility service provider responsibility.

(i) A utility service provider that shares a common trench or other underground space with an electric utility shall immediately notify the electric utility if it is necessary for the electric utility to move any facilities in order for the other provider to access the provider's property, plant, or equipment.

(ii) A utility service provider that shares a common trench or other underground space with an electric utility shall comply with the separation requirements in the NESC for underground facilities.

(iii) A water service provider that identifies an energized water service line shall immediately notify the electric utility of the energized condition and shall cease work until the condition is made safe by the electric utility.

3. Clarification of NESC Applicability

AFL-CIO supports the Commission's proposal in § 57.28(b)(2) to expressly require EDCs to follow the standards in the NESC. AFL-CIO notes, however, that a new version of the NESC is published every five years and that there also may be interim changes in standards. Over time, those changes can be quite substantial. For example, the 1997 edition of the NESC contained 265 pages; the 2012 edition has 354 pages. For the sake of clarity, AFL-CIO would recommend that the regulation specifically require EDC adherence to the most recent adopted version of the NESC. AFL-CIO proposes to change § 57.28(b) as follows:

(b) *Safety code.* A jurisdictional EDC shall comply with all of the following minimum safety standards:

(1) The regulations established by § 57.1 *et. seq.* (*as amended*) (relating to electric service).

(2) The standards established by the most recent adopted version of the National Electrical Safety Code (NESC).

(3) The procedures established by the electric utility and set forth in the EDC's internal company procedures.

(4) The standards established by the Underground Utility Line Protection Act (PA One Call or Act 287) at 73 P.S. §§ 176 *et. seq.* (relating to excavating and demolition).

(5) All other applicable and governing state and federal laws and regulations.

4. Records

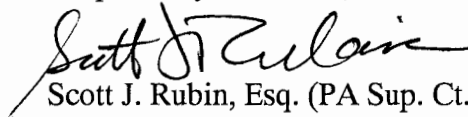
AFL-CIO recommends that the record-keeping requirement in proposed § 57.28(d) be modified to make it clear that an EDC also is required to maintain (and make available to the Commission) other safety-related records that are required under other laws or regulations. For example, EDCs are required to make reports of employee accidents or illnesses to the U.S. Occupational Safety and Health Administration under 29 CFR Part 1904 (Recording and Reporting Occupational Injuries and Illness). Under certain circumstances, it may be important to a Commission investigation or audit to have access to these types of EDC records.

AFL-CIO proposes, therefore, to amend § 57.28(d) as follows:

(d) Records. An EDC shall keep adequate records as required for compliance with the safety code set forth in subsection (b), including any records and reports concerning safety that are required under other applicable state and federal laws and regulations. An electric utility shall submit reports for each reportable accident under § 57.11 (relating to accidents). The records shall be accessible to the Commission and its staff.

In conclusion, AFL-CIO again commends the Commission for proposing to enhance the safety of electric utility employees, customers, and the public by amending the Commission's electric safety regulations. With the changes proposed above, AFL-CIO believes that these regulations will help to ensure the provision of safe and reliable electric distribution service throughout the Commonwealth.

Respectfully submitted,



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Dated: March 4, 2016