

STATEMENT OF SCOPE

Public Service Commission of Wisconsin (Docket 1-AC-259)

Rule No.: Ch. PSC 114

Update State Electrical Code Volume I – Adopt National Electric Safety
Relating to: Code Provisions

1. Description of the objective of the rule and expected financial impact:

To incorporate into Wis. Admin. Code ch. PSC 114 recent revisions to the National Electric Safety Code (NESC), to correct deficiencies, and make any other necessary changes to update and improve the electric safety code.

The Commission anticipates minimal economic impact from this proposed rule.

2. Description of existing policies relevant to the rule, and new policies proposed to be included in the rule and analysis of policy alternatives; the history, background, and justification for the proposed rule:

Volume 1 of the Wisconsin State Electrical Code (WSEC), codified in Wis. Admin. Code ch. PSC 114, is administered by the Commission. It deals 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 telecommunications suppliers, railroads, and cable television providers.

Wisconsin Admin. Code ch. PSC 114 has been, and is, based on the NES. The NES is revised and updated every five years requiring subsequent periodic revision of WSEC, Volume 1, to adopt the latest national standard. In 1979, 1982, 1985, 1988, 1991, 1994, 1997, 2003, 2008, 2014, and 2020 the Commission adopted the 1977, 1981, 1984, 1987, 1990, 1993, 1997, 2002, 2007, 2012, and 2017 editions of the NES, respectively, with certain changes, deletions, and additions which apply in Wisconsin only and are contained in Wis. Admin. Code ch. PSC 114.

The 2023 edition of the NES was published in August 2022, and the final publication is currently available for review. A corresponding revision of Wis. Admin. Code ch. PSC 114 is necessary to implement the latest edition of the national code and make any other necessary changes to update and improve the code. While it is difficult to predict the expected financial impact before the rule is written, at this time it is expected to be minimal. The Commission intends to appoint an advisory committee pursuant to Wis. Stat. § 227.13.

3. Statutory authority for the rule (including the statutory citation and language):

This rule is authorized under Wis. Stat. §§ 196.02(1) and (3), 196.74, and 227.11(2).

Wisconsin Stat. § 196.02(1) authorizes the Commission to do all things necessary and convenient to its jurisdiction. Wisconsin Stat. § 196.02(3) grants the Commission specific authority to promulgate rules. Wisconsin Stat. § 196.74 authorizes the Commission to promulgate rules that promote public safety by requiring the construction and operation of electric wires and equipment to be safe. Wisconsin Stat. § 227.11(2) authorizes agencies to promulgate administrative rules.

4. Estimate of the amount of time that state employees will spend to develop the rule, and of other resources necessary to develop the rule:

The Commission estimates that approximately 200 hours of employee time will be required in this rulemaking.

5. Description of all entities that may be impacted by the rule:

This rulemaking may affect electric, telecommunications, and cable providers.

6. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule:

The NESC, which is incorporated by reference in Wis. Admin. Code ch. PSC 114, covers provisions for safeguarding of persons from hazards arising from installation, operation, or maintenance of conductors and equipment in electric supply stations, and overhead and underground electric supply and communication lines. The federal standard is applicable to systems and equipment owned by utilities.

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