

## NOTICE OF PROPOSED RULEMAKING

CHAPTER 860

PUBLIC UTILITY COMMISSION

FILING CAPTION: In the Matter of Wildfire Mitigation Rules Phase II Division 024.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/21/2022 4:00 PM

HEARING(S):

DATE: 06/02/2022

TIME: 9:30 AM

OFFICER: Katharine Mapes

ADDRESS: By Zoom

See information in Special Instructions

Salem, OR 97308

SPECIAL INSTRUCTIONS:

Join Zoom Meeting

<https://opuc-state-or-us.zoom.us/j/89272731115?pwd=b1lsYTBTYnBNNW94MlVEd05vaFM3dz09>

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Meeting ID: 892 7273 1115

Passcode: W4S#i.\*7JB

One tap mobile

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503957# US (Portland)

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503957# US (San Jose)

By phone: +1 971 247 1195 US

(Portland)

Meeting ID: 892 7273 1115

Passcode: 1686503957

NEED FOR THE RULE(S):

Oregon Senate Bill (SB) 762, Section 3(7) (2021) requires the PUC to adopt rules related to risk-based wildfire protection plans, which includes rules for procedures and standards regarding vegetation management, as well as procedures and standards for facility inspections and corrections. The Commission's Division 24 Safety Rules will be supplemented and amended in accordance with the policy directives set forth in SB 762. OAR 860-024-0050 will also be amended to update requirements related to incident reports to be more timely and informative for wildfire-related incidents.

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 638 on comments and attach them to an e-mail to the Commission's Filing Center at [PUC.FilingCenter@puc.oregon.gov](mailto:PUC.FilingCenter@puc.oregon.gov). The Commission would like to receive initial comments by March 25, 2022, and a second round of comments by April 21, 2022. The Commission's Administrative Hearings Division will hold a workshop on April 7, 2022 at 1:00 p.m. to discuss comments on the rules to date. Participants who present oral comment at the hearing will be asked to also submit their comments in writing before the comment period closes at 4:00 p.m. on June 21, 2022.

Interested persons may review all filings online at <https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=22341>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4027>.

#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

The Governor's Executive Order No. 20-04 (EO 20-04), Executive Order on Climate Action, March 20, 2020, found online at State of Oregon: Governor Kate Brown - Carbon Policy Executive Order

The Governor's Executive Order No. 19-01, Establishing the Governor's Council on Wildfire Response, Jan. 30, 2019, found online at [https://www.oregon.gov/gov/Documents/executive\\_orders/eo\\_19-01.pdf](https://www.oregon.gov/gov/Documents/executive_orders/eo_19-01.pdf)

Final Report and Recommendations of the Governor's Council on Wildfire Response, Nov. 2019, found online at [https://www.oregon.gov/gov/policy/Documents/FulIWFReport\\_2019.pdf](https://www.oregon.gov/gov/policy/Documents/FulIWFReport_2019.pdf)

PUC Order No. 21-167, Temporary Rulemaking Regarding Public Safety Power Shut-off (PSPS), AR 638, 2021 found online at <https://apps.puc.state.or.us/orders/2019ords/19-254.pdf>

2021 SB 762 found online at <https://www.oregonlegislature.gov/liz/2021/R1/Measures/Overview/SB762>

#### STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The Commission anticipates that amendments and additions to the Commission's Division 24 as described in this notice will have little to no impact on racial equity in Oregon.

To ensure that racial equity issues were considered, prior to issuing this Notice, the Commission engaged in an informal rulemaking process prior to its decision to open a formal rulemaking process and order this Notice of Proposed Rulemaking to be filed. As part of that informal process, the Commission provided notice to its electric industry service list, which includes a broad range of stakeholders. Among those invited to workshops are:

- The Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians

- Coquille Indian Tribe
- Confederated Tribes of Grand Ronde
- The Klamath Tribes
- Confederated Tribes of Siletz Indians
- Confederated Tribes of the Umatilla Indian Reservation
- Cow Creek Band of Umpqua Tribe of Indians
- Confederated Tribes of Warm Springs
- Northwest Energy Coalition
- Community Energy Project

Individual Commission Staff members also submitted the notice to the Office of Emergency Management with a request to circulate the notice to its lists, which would include the Oregon State Fire Marshal, Oregon Department of Forestry, other state agencies and county/tribal emergency managers.

Rogue Climate provided comments that their mission is to empower Southern Oregon communities most impacted by climate change, including low-income, rural, youth, seniors, and communities of color, to win climate justice by organizing for clean energy, sustainable jobs, and a healthy environment.

No party provided comments that the Commission's proposed Division 24 rules would have a negative affect on racial equity in Oregon.

#### FISCAL AND ECONOMIC IMPACT:

The passage of Senate Bill (SB) 762 (2021) creates requirements for utilities operating in Oregon to, among other things, manage vegetation consistent with rules adopted by the Commission. The Commission's rules contain the procedures and standards for vegetation management. The Commission anticipates there to be an economic impact to utilities related to compliance with additional vegetation management procedures and standards, but is unable to quantify the significance of these costs at this time. Economic impacts are anticipated to vary by utility and the circumstances within each utility's service territory. The Commission does not anticipate any economic impacts to small businesses.

#### COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. No other state agency is likely to be economically affected by the rules. There are no anticipated economic impacts on local government or to members of the public.

2. There are no small businesses that will subject to these proposed rules.

**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

Though the workshops and stakeholder comments were open to the public at large, small businesses were not individually involved in the development of the proposed rules. This rulemaking is responsive to the requirements articulated in SB 762, and the state legislative process provided the forum for interested parties to comment.

**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?**An Administrative Rule Advisory Committee was not consulted. Instead, the Commission utilized an informal rulemaking process that involved opportunity for public comment and participation through OPUC Docket AR 638, including discussion of economic and other implications of proposed rules.

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**RULES PROPOSED:**

860-024-0000, 860-024-0001, 860-024-0005, 860-024-0007, 860-024-0010, 860-024-0011, 860-024-0012, 860-024-0015, 860-024-0016, 860-024-0017, 860-024-0018, 860-024-0020, 860-024-0021, 860-024-0050

**AMEND:** 860-024-0000

**RULE TITLE:** Applicability of Division 24

**RULE SUMMARY:** This amendment capitalizes the word "Operator" as in the definitions.

**RULE TEXT:**

(1) Unless otherwise noted, the rules in this division apply to every Operator, as defined in OAR 860-024-0001.

(2) Upon request or its own motion, the Commission may waive any of the division 24 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

**STATUTORY/OTHER AUTHORITY:** ORS 183, ORS 756, ORS 757, ORS 759

**STATUTES/OTHER IMPLEMENTED:** ORS 756.040, ORS 757.035, ORS 757.039, ORS 757.649, ORS 759.030, ORS 759.040, ORS 759.045

AMEND: 860-024-0001

RULE TITLE: Definitions for Safety Standards

RULE SUMMARY: This rule change proposes definitions for "High Fire Risk Zones," "Joint Inspection," "Occupant," and "Owner," and makes other housekeeping changes.

RULE TEXT:

For purposes of this Division, except when a different scope is explicitly stated:

- (1) "Commission Safety Rules," as used in this section, mean the National Electric Safety Code (NESC), as modified or supplemented by the rules in OAR chapter 860, division 024.
- (2) "Facility" means any of the following lines or pipelines including associated plant, systems, supporting and containing structures, equipment, apparatus, or appurtenances:
  - (a) A gas pipeline subject to ORS 757.039;
  - (b) A power line or electric supply line subject to ORS 757.035; or
  - (c) A telegraph, telephone, signal, or communication line subject to ORS 757.035.
- (3) "Government Entity" means a city, a county, a municipality, the state, or other political subdivision within Oregon.
- (4) "High Fire Risk Zones" are geographic areas identified by Operators of electric facilities in their risk-based wildfire plans.
- (5) "Joint Inspection" means an inspection of all equipment on any utility pole, structure, duct or conduit, owned by either the Owner or an Occupant(s).
- (6) "Material violation" means a violation that:
  - (a) Is reasonably expected to endanger life or property; or
  - (b) Poses a significant safety risk to any operator's employees or a potential risk to the general public.
- (7) "Occupant" means any licensee, Government Entity, or other entity that constructs, operates, or maintains attachments on poles, structures or within conduits.
- (8) "Operator" means every person as defined in ORS 756.010, public utility as defined in 757.005, electricity service supplier as defined in OAR 860-038-0005, telecommunications utility as defined in ORS 759.005, telecommunications carrier as defined in 759.400, telecommunications provider as defined in OAR 860-032-0001, consumer-owned utility as defined in ORS 757.270, cable Operator as defined in 30.192, association, cooperative, or government entity and their agents, lessees, or acting trustees or receivers, appointed by court, engaged in the management, operation, ownership, or control of any facility within Oregon.

(9) "Owner" means a public utility, telecommunications utility, or consumer-owned utility that owns or controls poles, structures, ducts, conduits, right of way, manholes, handholes or other similar facilities.

(10) "Pattern of non-compliance" means a course of behavior that results in frequent, material violations of the Commission Safety Rules.

(11) "Reporting Operator" means an Operator that:

(a) Serves 20 customers or more within Oregon; or

(b) Is an electricity service supplier as defined in OAR 860-038-0005 and serves more than one retail electricity customer.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 757.035, ORS 757.039, ORS 757.649, ORS 758.215, ORS 759.005, ORS 759.045, Oregon Laws 2021, ch. 592, sect. 1-6b

AMEND: 860-024-0005

RULE TITLE: Maps and Records

RULE SUMMARY: This rule amendment adds the requirement for maps to include all recently identified High Fire Risk Zones and makes housekeeping change.

RULE TEXT:

(1) Each utility shall keep on file current maps and records of the entire plant showing size, location, character, and date of installation of major plant items.

(2) Upon request, each utility shall file with the Commission an adequate description or maps to define the territory served. Maps must include all recently identified High Fire Risk Zones. All maps and records which the Commission may require the utility to file shall be in a form satisfactory to the Commission Staff.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 757.020

AMEND: 860-024-0007

RULE TITLE: Location of Underground Facilities

RULE SUMMARY: This amendment makes a housekeeping change to the rule.

RULE TEXT:

An Operator and its customers shall comply with requirements of OAR chapter 952 regarding the prevention of damage to underground facilities.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 757.542 - 757.562, ORS 757.649, ORS 759.045



AMEND: 860-024-0010

RULE TITLE: Construction, Operation, and Maintenance of Electrical Supply and Communication Lines

RULE SUMMARY: This rule amendment makes a housekeeping change.

RULE TEXT:

Every Operator shall construct, operate, and maintain electrical supply and communication lines in compliance with the standards prescribed by the 2017 Edition of the National Electrical Safety Code approved April 26, 2016, by the American National Standards Institute.

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

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 757.035

AMEND: 860-024-0011

RULE TITLE: Inspections of Electric Supply and Communication Facilities

RULE SUMMARY: This amendment clarifies inspection details, including adding requirements regarding High Fire Risk Zones, and makes other housekeeping changes.

RULE TEXT:

- (1) An Operator of electric supply facilities or an operator of communication facilities must:
  - (a) Construct, operate, and maintain its facilities in compliance with the Commission Safety Rules; and
  - (b) Conduct detailed inspections of its overhead facilities to identify violations of the Commission Safety Rules.
    - (A) The maximum interval between each detailed inspection cycle is ten years, with a recommended inspection rate of ten percent of overhead facilities per year. During the fifth year of each detailed inspection cycle, the Operator must:
      - (i) Report to the Commission that 50 percent or more of its total facilities have been inspected pursuant to this rule; or
      - (ii) Report to the Commission that less than 50 percent of its total facilities have been inspected pursuant to this rule and provide a plan for Commission approval to inspect the remaining percentage within the next five years. The Commission may modify the plan or impose conditions to ensure sufficient inspection for safety purposes.
    - (B) Detailed inspections include, but are not limited to, visual checks, pole test and treat programs (only required for pole Owners) or practical tests of all facilities, to the extent required to identify violations of Commission Safety Rules. Where facilities are exposed to extraordinary conditions (including High Fire Risk Zones) or when an Operator has demonstrated a pattern of non-compliance with Commission Safety Rules, the Commission may require a shorter interval between inspections.
  - (c) Conduct detailed facility inspections of its underground facilities on a ten-year maximum cycle, with a recommended inspection rate of 10 percent of underground facilities per year.
  - (d) Maintain adequate written records of policies, plans and schedules to show that inspections and corrections are being carried out in compliance with this rule and OAR 860-024-0012. Each Operator must make these records available to the Commission upon its request.
- (2) Each Operator of electric supply facilities must:
  - (a) Designate an annual geographic area (including High Fire Risk Zones as identified by Operators of electric supply facilities) to be inspected pursuant to subsection (1)(b) of this rule within its service territory;
  - (b) Provide timely notice of the designation of the annual geographic area to all Owners and Occupants. The annual coverage areas for the entire program must be made available in advance and

in sufficient detail to allow all Operators with facilities in that service territory to plan needed inspection and correction tasks. Unless the parties otherwise agree, Operators must be notified of any changes to the established annual geographic area designation no later than 12 months before the start of the next year's inspection. For High Fire Risk Zones, Operators must be notified of any changes to the designation of a High Fire Risk Zone no later than 60 days before the start of the year's inspection; and

(c) Perform onsite routine safety patrols of overhead electric supply lines and accessible facilities for hazards to the public. The maximum interval between safety patrols is two years, with a recommended rate of 50 percent of lines and facilities per year.

(d) Inspect electric supply stations on a 45 day maximum schedule.

(3) Effective Dates

(a) Subsection (2)(a) of this rule is effective January 1, 2007.

(b) Subsection (1)(b) of this rule is effective January 1, 2008.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 757.035

AMEND: 860-024-0012

RULE TITLE: Prioritization of Repairs by Operators of Electric Supply Facilities and Operators of Communication Facilities

RULE SUMMARY: The amendments to this rule clarify what deferrals are allowable and make housekeeping changes.

RULE TEXT:

(1) A violation of the Commission Safety Rules that poses an imminent danger to life or property must be repaired, disconnected, or isolated by the Operator immediately after discovery.

(2) Except as otherwise provided by this rule, the Operator must correct violations of Commission Safety Rules no later than two years after discovery.

(3) An Operator may elect to defer correction of violations of the Commission Safety Rules that pose little or no foreseeable risk of danger to life or property to correction during the next major work activity.

(a) In no event shall a deferral under this section extend for more than ten years after discovery.

(b) The Operator must develop a plan detailing how it will remedy each such violation.

(c) If more than one Operator is affected by the deferral, all affected operators must agree to the plan. If any affected operators do not agree to the plan, the correction of violation(s) may not be deferred.

(4) After December 31, 2027, the only allowable conditions for deferrals as set forth in section (3) are those that accommodate schedules for local jurisdiction permitting issues or planned road construction projects. Plans for correction for deferrals due to these conditions must be submitted to Commission Staff for review and tracking.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 757.035

AMEND: 860-024-0015

RULE TITLE: Ground Return

RULE SUMMARY: The change to this rule is a housekeeping change.

RULE TEXT:

Every Operator with either alternating or direct current power lines or equipment within Oregon may use a connection to ground only for protection purposes. A ground connection shall not be used for the purpose of providing a return conductor for power purposes.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 757.035, ORS 757.649, ORS 759.045

AMEND: 860-024-0016

RULE TITLE: Minimum Vegetation Clearance Requirements

RULE SUMMARY: The changes to this rule add and clarify requirement regarding minimum vegetation clearances, inspections, and reporting as well as make housekeeping changes.

RULE TEXT:

(1) For purposes of this rule:

(a) "Cycle Buster" means vegetation that will not make it through the routine trim cycle without encroaching on the required minimum clearances and, therefore require pruning midterm before the routine cycle is completed.

(b) "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.

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

(d) "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 regularly trim or remove vegetation to maintain clearances from electric supply conductors. Operators of electric supply facilities must develop and regularly update vegetation plans and documentation that confirms compliance with the minimum clearances in section (5) below. Upon request from Commission Staff, Operators must provide that information to Commission Staff. If clearances are not being maintained, the Commission may require the Operator to implement an alternative vegetation management program and/or specific trim cycles.

(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, as well as adverse weather and wind 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.
- (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 or vegetation removal 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;
  - (e) Growth habit, strength, and health of vegetation (including rates of tree mortality) growing adjacent to the conductor, with the combined displacement of the vegetation, supporting structures, and conductors under adverse weather or routine wind conditions; and
  - (f) The amount of trimming or vegetation removal required to minimize Cycle Buster vegetation interference of energized conductors.
- (8) Each Operator of communications facilities must ensure vegetation around communications lines do not pose a foreseeable danger to the pole or electric supply Operator's facilities.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 758  
STATUTES/OTHER IMPLEMENTED: ORS 757.035, ORS 758.280 - 758.286

AMEND: 860-024-0017

RULE TITLE: Vegetation Pruning Standards

RULE SUMMARY: The change to this rule is housekeeping.

RULE TEXT:

An Operator that is an electric utility as defined in ORS 758.505 must perform tree and vegetation work associated with line clearance in compliance with the American National Standard for Tree Care Operations, ANSI A300 (Part 1) 2008 Pruning, approved May 1, 2008, by the American National Standards Institute.

[Publications: Publications referenced are available from the Agency.]

STATUTORY/OTHER AUTHORITY: ORS Ch. 756, ORS 757, ORS 758

STATUTES/OTHER IMPLEMENTED: ORS 757.035, ORS 758.280-758.286



ADOPT: 860-024-0018

RULE TITLE: High Fire Risk Zone Safety Standards

RULE SUMMARY: This new rule sets forth new High Fire Risk Zone safety standards.

RULE TEXT:

- (1) Operators of electric facilities must, in High Fire Risk Zones, de-energize out of service, abandoned and non-critical supply equipment as determined by the Operator during fire season.
- (2) Utility supply conductors shall not be attached to live trees and should only be attached to utility owned poles and structures designed to meet the strength and loading requirements of the National Electrical Safety Code. This section does not apply to customer-supplied equipment at the point of delivery. Compliance with this section must be achieved prior to December 31, 2027.
- (3) In addition to the requirements set forth in OAR 860-024-0011, Operators of electric facilities in High Fire Risk Zones must: (a) conduct at a minimum, enhanced “detailed inspections,” including, but not limited to, in person, onsite visual checks, or practical tests of all facilities, to the extent required to mitigate fire risk and identify violations of Commission Safety Rules. (b) for transmission systems energized at or above 50,001 volts, perform and document, at a minimum, detailed inspections via onsite climbing, drone or high-powered spotting scope to identify structural and conductor defects, as well as violations of Commission Safety Rules.
- (4) In addition to the requirements set forth in 860-024-0011, Public Utility Operators of electric facilities must conduct annual fire season “safety patrols” in High Fire Risk Zones. Public Utility Operators of electric facilities shall perform and document, in person, fire safety patrols of overhead electric supply lines and accessible facilities for potential fire risks, including but not limited to, off right of way hazard trees, right of way access for first responders, seasonal vegetation damage, vegetation Cycle Buster clearance conditions as defined in 860-024-0016(1)(a), potential equipment failures, and deteriorated supply or communication facilities.
- (5) The requirements set forth in (3) and (4) above do not preclude the use of technology developments that may improve the ease of and quality of inspections. The use of technologies does not eliminate the need for in person fire safety patrols described above.
- (6) Beginning on December 31, 2027, Public Utility Owners of electric supply facilities and Occupants shall participate in “Joint Inspections” of facilities in High Fire Risk Zones to mitigate fire risk as well as identify violations of Commission Safety Rules.
- (7) If dictated by a consumer owned utility pole Owner, beginning December 31, 2027 Occupants of poles owned by consumer owned utilities in High Fire Risk Zones will implement detailed inspection cycle alignment to mitigate fire risk and identify violations of Commission Safety Rules.
- (8) A violation of Commission Safety Rules in High Fire Risk Zones affecting energized conductors, structures or pole defects and a heightened risk of wildfire, as identified by the Operator of electric facility, shall be corrected no later than 180 days after discovery, regardless of pole Ownership.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757, ORS 758

STATUTES/OTHER IMPLEMENTED: ORS 757.035, ORS 758.280-758.286

AMEND: 860-024-0020

RULE TITLE: Gas Pipeline Safety

RULE SUMMARY: The change to this rule is a housekeeping change.

RULE TEXT:

Every gas Operator must construct, operate, and maintain natural gas and other gas facilities in compliance with the standards prescribed by:

(1) 49 CFR, Part 191, and amendments through No. 27 — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on July 1, 2020.

(2) 49 CFR, Part 192, and amendments through No. 126 — Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards in effect on July 1, 2020.

(3) 49 CFR, Part 199, and amendments — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on April 23, 2019.

(4) 49 CFR, Part 40, and amendments — Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on April 23, 2019.

[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757

STATUTES/OTHER IMPLEMENTED: ORS 757.039

AMEND: 860-024-0021

RULE TITLE: Liquefied Natural Gas Safety

RULE SUMMARY: The change to this rule is a housekeeping change.

RULE TEXT:

Every gas Operator must construct, operate, and maintain liquefied natural gas facilities in compliance with the standards prescribed by:

(1) 49 CFR, Part 191, and amendments through No. 27 — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on July 1, 2020.

(2) 49 CFR, Part 193, and amendments through No. 25 — Liquefied Natural Gas Facilities; Minimum Safety Standards in effect on March 6, 2015.

(3) 49 CFR, Part 199, and amendments — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on April 23, 2019.

(4) 49 CFR, Part 40, and amendments – Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on April 23, 2019.

[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756, ORS 757

STATUTES/OTHER IMPLEMENTED: ORS 757.039

AMEND: 860-024-0050

RULE TITLE: Incident Reports

RULE SUMMARY: The rule changes include a new definition of "Self-propagating fire" and new requirements for fire-related incident reporting.

RULE TEXT:

(1) As used in this rule:

(a) "Self-propagating fire" means a fire that is self-fueling and will not extinguish without intervention.

(b) "Serious injury to person" means, in the case of an employee, an injury which results in hospitalization. In the case of a non-employee, "serious injury" means any contact with an energized high-voltage line, or any incident which results in hospitalization. Treatment in an emergency room is not hospitalization.

(c) "Serious injury to property" means:

(A) Damage to operator and non-operator property exceeding \$100,000; or

(B) In the case of a gas operator, damage to property exceeding \$5,000; or

(C) In the case of an electricity service supplier (ESS) as defined in OAR 860-038-0005, damage to ESS and non-ESS property exceeding \$100,000 or failure of ESS facilities that causes or contributes to a loss of energy to consumers; or

(D) Damage to property which causes a loss of service to over 500 customers (50 customers in the case of a gas operator) for over two hours (five hours for an electric operator serving less than 15,000 customers) except for electric service loss that is restricted to a single feeder line and results in an outage of less than four hours.

(2) Except as provided in section (6) of this rule, every reporting operator must give immediate notice by telephone, by facsimile, by electronic mail, or personally to the Commission, of incidents attended by loss of life or limb, or serious injury to person or property, occurring in Oregon upon the premises of or directly or indirectly arising from or connected with the maintenance or operation of a facility.

(3) As soon as practicable following knowledge of the occurrence, all investor-owned electric utilities must report by telephone, by facsimile, by electronic mail, or personally to the Commission fire-related incidents:

(a) that are the subject of significant public attention or media coverage involving the utility's facilities or is in the utility's right-of-way; or

(b) where the utility's facilities are associated with the following conditions:

(A) a self-propagating fire of material other than electrical and/or communication facilities; and

(B) the resulting fire traveled greater than one linear meter from the ignition point.

(4) Except as provided in section (6) of this rule, every reporting operator must, in addition to the notice given in sections (2) and (3) of this rule for an incident described in sections (2) and (3), report in writing to the Commission within 20 days of knowledge of the occurrence using Form 221 (FM 221) available on the Commission's website. In the case of injuries to employees, a copy of the incident report form that is submitted to Oregon OSHA, Department of Consumer and Business Services, for reporting incident injuries, will normally suffice for a written report. In the case of a gas operator, copies of incident or leak reports submitted under 49 CFR Part 191 will normally suffice.

(5) An incident report filed by a public or telecommunications utility in accordance with ORS 654.715 cannot be used as evidence in any action for damages in any suit or action arising out of any matter mentioned in the report.

(6) A Peoples Utility District (PUD) is exempt from this rule if the PUD agrees, by signing an agreement, to comply voluntarily with the filing requirements set forth in sections (2) and (3).

(7) Gas operators have additional incident and condition reporting requirements set forth in OARs 860-024-0020 and 860-024-0021.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 654, ORS 756, ORS 757, ORS 759

STATUTES/OTHER IMPLEMENTED: ORS 654.715, ORS 756.040, ORS 756.105, ORS 757.035, ORS 757.039, ORS 757.649, ORS 759.030, ORS 759.040, ORS 759.045

