

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion,	)	
to amend the rules governing electrical supply and	)	Case No. U-21373
communication lines and associated equipment.	)	
_____	)	

At the November 7, 2024 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner

ORDER

On September 20, 2023, the Commission sought permission from the Michigan Office of Administrative Hearings and Rules (MOAHR) to amend Mich Admin Code, R 460.813, within the Commission's rules governing Electrical Supply and Communication Lines and Associated Equipment, to update the rule to adopt by reference the most current version of the National Electrical Safety Code (NESC), being the 2023 edition, published August 1, 2022, and effective February 1, 2023. MOAHR approved the request on September 26, 2023. MOAHR 2023-51 LR. The Commission thereafter submitted the draft rules to MOAHR and the Legislative Service Bureau (LSB) for informal approvals, which were granted on March 19 and 21, 2024, respectively. The Regulatory Impact Statement was approved by MOAHR on July 16, 2024.

On August 22, 2024, the Commission issued an order providing the public with an opportunity to comment on the proposed amendment of the rules at a public hearing held on September 18, 2024, and/or by filing comments by October 2, 2024. No one testified at the hearing. On

October 2, 2024, the Commission received comments from Consumers Energy Company (Consumers).

Consumers supports updating the rules to adopt by reference the 2023 edition of the NESC but recommends that application of the updated rule specify that “the 2023 NESC be limited to new installations and extensions where both design and approval were started after the proposed rules take effect.” Consumers’ comments, p. 2. Per Consumers, “[t]his would save the Company, and ultimately customers, the time and money required to redesign projects that have already been approved and are awaiting construction.” *Id.* Consumers further contends that this specification is consistent with Rule 16 of the 2023 NESC, which provides that this edition of the NESC “shall become effective no later than the first day of the month after 180 days have elapsed following its publication date for application to new installations and extensions where both design and approval were started after the expiration of that period, unless otherwise stipulated by the administrative authority.” Consumers’ comments, p. 2.

The Commission is unpersuaded that the draft rule should be changed and notes that exemptions to the rules can be requested pursuant to Mich Admin Code, R 460.814. Finding no changes necessary, the Commission thus finds that the proposed amendment of the rules should be submitted to MOAHR and LSB for their formal approvals.

THEREFORE, IT IS ORDERED that:

A. The amendment to the Electrical Supply and Communication Lines and Associated Equipment ruleset, attached as Exhibit A, is approved and shall be submitted to the Michigan Office of Administrative Hearings and Rules and the Legislative Service Bureau for their formal approvals.

B. Upon approval by the Michigan Office of Administrative Hearings and Rules and the Legislative Service Bureau, the attached amendment to the Electrical Supply and Communication Lines and Associated Equipment ruleset shall be transmitted to the Joint Committee on Administrative Rules.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

By its action of November 7, 2024.

Lisa Felice, Executive Secretary

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

ELECTRICAL SUPPLY AND COMMUNICATION LINES AND ASSOCIATED
EQUIPMENT

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the public service commission by section 7 of 1909 PA 106, MCL 460.557; sections 4 and 6 of 1939 PA 3, MCL 460.4 and 460.6; and section 5 of 1919 PA 419, MCL 460.55)

R 460.813 of the Michigan Administrative Code is amended, as follows:

R 460.813 Standards of good practice; adoption by reference.

Rule 3. Parts 1, 2, and 3 and sections 1, 2, 3, and 9 of the national electrical safety code, 2023 edition (IEEE C2-2023), are adopted by reference in these rules as standards of accepted good practice. Parts 1, 2, and 3 and sections 1, 2, 3, and 9 of the national electrical safety code, 2023 edition (IEEE C2-2023), are available from the Institute of Electrical and Electronics Engineers (IEEE) via the internet at the following web site: http://www.techstreet.com/standards/ieee-c2-2023?product_id=2254672 at a cost of \$214.00 for a pdf download, \$237.00 for a print copy, or \$321.00 for both as of the time of adoption of this rule, plus any applicable shipping cost. The Commission has a copy of the IEEE C2-2023 available for review at its offices located at 7109 West Saginaw Highway, Lansing, Michigan 48917. The IEEE C2-2023 may also be purchased from IEEE at cost through the Commission's website at www.michigan.gov/mpsc.

PROOF OF SERVICE

STATE OF MICHIGAN)

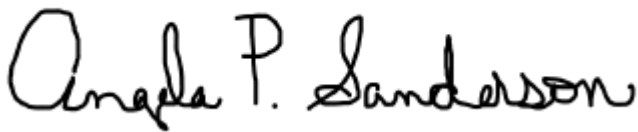
Case No. U-21373

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on November 7, 2024 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 7th day of November 2024.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

Service List for Case: U-21373

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Realgy Energy Services

Santana Energy

Santana Energy

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Stephenson Utilities Department

Superior Energy Company

Texas Retail Energy, LLC

Thumb Electric Cooperative

Upper Michigan Energy Resources Corporation

Upper Michigan Energy Resources Corporation

Upper Peninsula Power Company

Upper Peninsula Power Company

Village of Baraga

Village of Clinton

Volunteer Energy Services

Wabash Valley Power

Wolverine Power

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Xcel Energy