

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Public Service Commission

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Electrical Supply and Communication Lines and Associated Equipment

5. Rule numbers or rule set range of numbers:

R 460.811 - R 460.815

6. Estimated time frame:

6 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The current rule adopts by reference the 2017 edition of the National Electrical Safety Code (NESC). Since 2017, a number of NESC rules have been introduced, revised, deleted, or clarified. Thus, the most current version, 2023 NESC, that was published August 1, 2022, with an effective date of February 1, 2023, should be adopted to ensure the practical safeguarding of persons during installations, operations, or maintenance of electrical supply and communications lines.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

By authority conferred on the Commission by MCL 460.557, 460.4, 460.6, and 460.55.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 460.557, 460.4, 460.6, and 460.55.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

No.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rule merely adopts the most current standards of the NESC. The rule does not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The subject matter of this rule adopts national safety standards by reference. The proposed rule updates the current rule to adopt by reference the most current NESC standard of good practice. The subject matter of this rule is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

No.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The amended rule will merely update Michigan's rule to reflect changes made to the NESC up to August 1, 2022. The rule does not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

No.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rule was last amended in 2017 to adopt the 2017 NESC standards. The proposed amendment adopts the 2023 NESC, which was published August 1, 2022, as new standards have been revised since the 2017 edition was published.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.