



September 16, 2008

**HB 2475 energizing electrical installations
rule**

Opportunity for public input:

Those who would like to provide public testimony may attend a public hearing on September 16, 2008 at 9:30 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. September 19, 2008.

Purpose of the rule:

This proposed rule provides uniform and consistent standards for requesting an electric utility to energize an electrical installation prior to the local jurisdiction's inspection of the electrical installation.

This rule would become effective October 1, 2008.

Citation:

Amend: OAR 918-311-0070

History:

This rule implements House Bill 2475, passed by the 2007 Legislature. House Bill 2475 amended ORS 479.570, which contained an exemption for energizing electrical installations prior to inspection by the local jurisdiction. Prior to HB 2475 no standard process existed among the many utilities and approximately 135 local jurisdictions. This inconsistency caused confusion and delays for contractors and customers in getting electrical service energized under certain circumstances.

House Bill 2475 allowed the division and the Electrical and Elevator Board to develop rules to create a written request to provide a uniform and consistent process throughout the state. The board, at its July 2008 meeting, approved these proposed rules.

Contact:

If you have questions or need further information, please contact Hearing Officer Matthew Barber at 503-373-1227, or Matthew.E.Barber@state.or.us .



Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918
Agency and Division	Administrative Rules Chapter Number

Shauna M. Parker	PO Box 14470, Salem, OR 97309	(503) 373-7438
Rules Coordinator	Address	Telephone

RULE CAPTION

Regulates use and content of a written request to energize electrical installations prior to inspection.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

September 16, 2008	9:30 a.m.	1535 Edgewater Street NW, Salem, OR 97304-0404	Matthew Barber
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: 918-311-0070

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 479.570

Other Auth.:

Stats. Implemented: ORS 479.570

RULE SUMMARY

The proposed rule implements House Bill 2475 (2007) regulating the use and content of energizing letters. General supervising electricians may request to energize and electrical installation before an authority having jurisdiction has inspected the completed installation in certain circumstances. Electric utilities may not energize an installation as requested unless the request complies with this proposed rule. Electrical contractors must notify the inspecting authority that a request to energize was made and when the installation was energized.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Friday, September 19, 2008 at 5:00 p.m.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Mark Long		
Signature	Printed name	Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Regulates use and content of a written request to energize electrical installations prior to inspection.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Adopting 918-311-0070.

Statutory Authority: ORS 479.570

Other Authority:

Stats. Implemented: ORS 479.570

Need for the Rule(s): Current process for requesting to energize a completed, but uninspected, electrical installation lacks uniformity among the 135 jurisdictions and many large and small utilities throughout the state. The proposed rule encourages uniformity by establishing who can request to energize an installation, the content of that request, and who must be notified that the request was made. The proposed rule also establishes who is responsible for requesting an inspection of the energized installation.

Documents Relied Upon, and where they are available: Advisory committee minutes from June 9, 2008; minutes from the Electrical and Elevator Board meeting of July 24, 2008; and draft rules are available from the division's rules coordinator located at 1535 Edgewater Street NW, Salem, OR 97304 and can be found on the division's website: www.bcd.oregon.gov.

Fiscal and Economic Impact: The division does not have data to determine the economic impact, but anticipates that, by providing a uniform method for requesting a utility to energize, electrical licensees might experience some economic benefit as electrical utilities may be more willing to energize an installation upon receipt of a request, thereby increasing available opportunities for work.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The rule has no impact on local jurisdictions because it does not effect their responsibility for inspecting electrical installations, only whether the inspection will take place before or after the installation is energized.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The proposed rule would regulate how general supervising electrician licensees can request a utility to energize a completed, but uninspected, electrical installation. The proposed rule also clarifies existing responsibilities of electrical contractors. The division cannot estimate how many of the 2,432 licensees will choose to request a utility to energize uninspected installations.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

General supervising electrician licensees who choose to request to energize completed, but uninspected, electrical installations will be required to complete a division prescribed form.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, labor, or supplies are required for compliance with the proposed rule. Electrical contractor licensees will be responsible under the proposed rule for ensuring that the inspecting authority is notified of, and inspects, an electrical installation energized after receipt of a letter of request.

How were small businesses involved in the development of this rule? Small businesses were represented on both the administrative rule advisory committee and Electrical and Elevator Board, which discussed the proposed rule on June 9, 2008 and July 24, 2008, respectively.

Administrative Rule Advisory Committee consulted?: Yes.
If not, why?:

Signature	Mark Long	Date
Printed name		

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

OAR 918-311-0070

Use and Content of a Written Request to Reconnect an Electrical Installation

(1) As used in this rule:

(a) “Authority having jurisdiction” means the state or local government agency with authority under ORS 479.510 to 479.945 to inspect an electrical installation.

(b) “Electric utility” has the meaning given that term in ORS 469.300(10).

(c) “Force majeure” means circumstances beyond the reasonable control of any person, including but not limited to, uncontrollable events such as fire, floods and severe weather.

(d) “Remote location” has the meaning given that term in OAR 918-271-0020.

(2) A licensed general supervising electrician may request that an electric utility energize a completed electrical installation before an authority having jurisdiction has inspected the completed electrical installation. Upon receipt of a request from a licensed general supervising electrician, an electric utility may energize an electrical installation to:

(a) Restore electrical service that was interrupted or disconnected because of a service change or force majeure; or

(b) Initiate or restore electrical service to a remote location.

(3) A request made by a licensed general supervising electrician under subsection (2) of this rule shall be made in writing, using a form prescribed by the Building Codes Division, and must include the following information:

(a) The name, license number and signature of the general supervising electrician who directed, supervised, made or controlled the making of the electrical installation described in subsection (2) of this rule;

(b) The name and license number of the electrical contractor employing the general supervising electrician described in paragraph (a) of this subsection;

(c) The name and address of the electrical contractor’s customer who contracted for the electrical installation;

(d) The address or location of the electrical installation if different than the customer’s address;

(e) The date on which the electrical installation was completed by the general supervising electrician described in paragraph (a) of this subsection;

(f) The name, mailing address and telephone number of the authority having jurisdiction to inspect the completed electrical installation;

(g) The name, mailing address and telephone number of the electric utility receiving the request;

(h) Either the number of an electrical permit, if a permit is attached to the electrical installation, or a copy of a temporary permit, if a copy of the permit is posted at the job site; and

(i) Whether the request is for the purpose of restoring electrical service that was interrupted or disconnected because of a service change or force majeure, or initiating or restoring electrical service to a remote location.

(4) A licensed general supervising electrician who makes a request under subsection (2) of this rule shall provide a copy of that request to:

(a) The electrical contractor described in subsection 3(b) of this rule;

(b) The customer described in subsection 3(c) of this rule; and

(c) The authority having jurisdiction described in subsection 3(f) of this rule.

(5) By the close of business on the first business day following the energizing of an electrical installation by an electric utility in response to a request submitted under subsection (2) of this rule, the electrical contractor described in subsection 3(b) of this rule shall:

(a) Notify the authority having jurisdiction described in subsection 3(f) of this rule that the electrical installation has been energized; and

(b) Request that the authority having jurisdiction described in subsection 3(f) of this rule inspect the completed electrical installation.

(6) Notwithstanding ORS 756.040, 756.060, 757.035 and any rules adopted under those statutes, an electric utility may not energize a completed electrical installation as requested by a licensed general supervising electrician before an authority having jurisdiction has inspected the completed installation, unless the submitted request complies with subsection (3) of this rule.

(7) A civil penalty may be assessed against a person for violating subsections (2) through (6) of this rule in a manner provided by OAR 918-001-0036. In assessing a penalty under this subsection, the director may consider any appropriate factors, including, but not limited to, any prior violations of:

(a) Subsections (2) through (6) of this rule; or

(b) The Electrical Safety Law, ORS 479.510 to 479.945 and ORS 479.995, and any rules adopted under the Electrical Safety Law.

Statutory Authority: ORS 479.570

Statute Implemented: ORS 479.570

History: New