



Filing Receipt

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Public Utility Commission of Texas

TO: Each electric utility, municipally owned utility, or electric cooperative that owns or operates overhead transmission facilities greater than 60 kilovolts or distribution facilities greater than 1 kilovolt and other interested members of the public

FROM: Barksdale English, Division of Compliance and Enforcement

DATE: October 4, 2021

RE: **Project No. 52667**
Filing of Attestations Demonstrating Compliance with HB 4150

Section 6 of House Bill 4150¹ requires any electric utility, municipally owned utility, or electric cooperative that owns a transmission or distribution line over a lake listed in PURA § 38.004(b) that is not in compliance with the clearance standards of Rule 232 of the National Electrical Safety Code Standard ANSI (c)(2) in effect at the time the line was constructed to bring the line into compliance not later than December 31, 2021.

In addition, the section requires any transmission or distribution line over a lake listed in PURA § 38.004(b) that must be rebuilt to be reconstructed in accordance with the clearance standards of Rule 232 of the National Electrical Safety Code ANSI (c)(2) in effect on September 1, 2019.

The public has an interest in these important electric facility safety requirements. Commission Staff opened Project No. 52667 to assist with providing transparency into these issues. In addition, Staff has simultaneously filed this memo in Projects No. 50596² and 51890³ to reach all affected utilities and has provided this memo to representatives of trade associations working on behalf of the affected utilities' interests.

To comply with HB 4150, not later than January 14, 2022, each electric utility, municipally owned utility, or electric cooperative meeting the requirements of Section 6 of HB 4150 must file in Project No. 52667 a report with the following information:

¹ Acts 2019, 86th Leg., R.S., ch. 1320 (HB 4150).

² Project 50596, 2019 Annual Reports for Line Inspection and Safety Pursuant to 16 TAC 25.97(f).

³ Project 51890, 2020 Annual Reports for Line Inspection and Safety Pursuant to 16 TAC 25.97(f).



- A declaration that each distribution line above 1 kilovolt or transmission line above 60 kilovolts owned by the utility that crosses a lake listed in PURA § 38.004(b) meets the applicable vertical clearance requirements established in Rule 232 of the NESC Standard ANSI (c)(2).
- The date on which the company verified each line's compliance with the applicable NESC Standard.
- For each utility that self-identified a line that did not meet vertical clearance requirements in an annual report filed in either Project 50596 or Project 51890, a declaration that each line identified in the annual report meets the NESC Standard.
- If a line over a lake listed in PURA § 38.004(b) does not meet the NESC Standard:
 - The name of line;
 - The name of lake and the county or counties in which the lake is located;
 - A narrative description of actions the utility will take to bring the line into compliance with the NESC Standard; and
 - The date by when the line will be brought into compliance.

Each affected utility must submit with the report an affidavit signed by an officer of the company who has direct responsibility for distribution or transmission service or construction attesting to the veracity of the information provided in the report.

Failure to submit the required information and an accompanying attestation by January 14, 2022 will result in enforcement action.

Affected utilities are notified that filing this report in Project No. 52667 does not supplant their requirement to file annual reports under 16 Tex. Admin. Code § 25.97(f). Annual reports for calendar year 2021 will be due on May 1, 2022 and must be filed in a separate project that will be opened at a later date.

Questions may be directed to the Public Utility Commission of Texas, Division of Compliance and Enforcement by contacting Rose Puente by email at Rose.Puente@puc.texas.gov.