

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS)**

**REGARDING ADOPTION OF THE 2005 NATIONAL ELECTRICAL CODE (NEC)
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

(Government Code Section 11346.9(a) (1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

There are no revisions to the Initial Statement of Reasons, as shown below on pages 1 and 2. The Division of the State Architect received one comment regarding this proposed rulemaking action during the 45 Day Public Comment Period, which is addressed below.

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE.

The Division of the State Architect - Structural Safety (DSA-SS) proposes to repeal the 2002 edition of the National Electrical Code, and adopt the 2005 edition of the National Electrical Code for effectiveness as the California Electrical Code, 2007 edition. DSA proposes this action in order to comply with state law requiring state agencies to propose for adoption the latest edition model code within one year of the publication date.

No amendments to the 2005 edition NEC are being proposed by DSA-SS. State administrative amendments contained in Article 89 are being continued with revisions as indicated in the express terms document. These proposed revisions were developed in a coordinated effort of the proposing state agencies (DSA, HCD, OSHPD, SFM) and the Building Standards Commission staff.

Building standards proposed by DSA-SS for adoption would be applicable to public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS.

None required, as Section 18928 of the Health & Safety Code mandates this proposed action, and no amendments are being proposed.

CONSIDERATION OF REASONABLE ALTERNATIVES.

The Division of the State Architect has not considered any reasonable alternatives to the proposed action, as this action is required by law, and no amendments are being proposed.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no potential adverse impacts on small business are expected as a result of this proposed action.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.

The Division of the State Architect has no evidence indicating any potential significant adverse impact on business with regard to the proposed action.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS.

The regulations do not duplicate or conflict with federal regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS.

(Pursuant to Government Code Section 11346.9(a) (2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).)

The Division of the State Architect has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

(Government Code Section 11346.9(a) (3))

One comment was received by DSA during the 45 Day Public Comment Period.

Commenter: Ms. Amy Lee, Acting Director, Department of Building Inspection, City and County of San Francisco

Subject: NEC Section 800.2 Definition

The San Francisco Department of Building Inspection (SFDBI) and the San Francisco Fire Department (SFFD) hereby petition the State of California Division of the State Architect to amend the definition of "Communications Equipment" in the 2005 edition of the NEC, Section 800.2, by striking out the following text: "...and including power equipment (e.g. DC converters, inverters and batteries).

Proposed Change to 2005 NFPA 70 (National Electrical Code): *(proposed changes indicated in strike-out format)*

Article Article 800 Communication Circuits

1. General

Communications Equipment. The electronic equipment that performs the telecommunications operations for the transmission of audio, video, and data, ~~and including power equipment (e.g. DC converters, inverters and batteries)~~ and technical support equipment (e.g. computers).

Commenter's rationale:

SFDBI and SFFD consider electrical power equipment and related wiring systems in central office facilities to be subject to the provisions of the adopted codes. The CEC definition of Communications Equipment should not exempt communications utilities operating in California from compliance with the minimum standards for electrical safety established by the NEC. The NEC definition, if adopted as written, would allow communications companies to claim that central office power equipment and related wiring systems are exempted from electrical code jurisdiction, as provided in NEC Section 90.2 (B) (4) and CEC Section 89.4 (D). First responders and service personnel should know that electrical power equipment in such facilities is installed in accordance with the adopted codes and safe operating procedures are being followed.

DSA Response:

This public comment does not address a proposed modification by DSA to the 2005 edition NEC. At this time, DSA-SS can not propose substantive modifications within this rulemaking cycle to the model code provision as requested, as Government Code §11346.45 requires the proposing state agency to include all parties affected by a proposed code change during the code change development process. DSA/SS will take this comment under consideration during a subsequent rulemaking cycle.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS.

(Government Code Section 11346.9(a) (4))

The Division of the State Architect has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulations.

REJECTED PROPOSED ALTERNATIVES THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON

SMALL BUSINESSES:

(Government Code Section 11346.9(a) (5))

There are no rejected proposed alternatives to identify. This proposal will not have an adverse economic impact on small businesses.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE.

(Government Code Section 11347.6)

No comments were received from the Office of Small Business Advocate for this proposal.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY.

(Government Code Section 11347.6)

No comments were received from the Trade and Commerce Agency for this proposal.