

National Electrical Safety Code Procedures for the Review and Revision of The National Electrical Safety Code American National Standard C2

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National Electrical Safety Code Committee

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Secretariat

The Institute of Electrical and Electronics Engineers, Inc.
3 Park Ave, 17th Floor
New York, NY 10016-5997 USA

1. Introduction

These procedures for the National Electrical Safety Code (NESC) Committee meet the requirements for due process and for the development of consensus for approval of American National Standard C2 as provided in the most current version of the ANSI Essential Requirements.

1.1 Organization

The NESC Main Committee (aka “NESC Committee” or “Committee”) shall consist of a membership that is sufficiently diverse to assure reasonable balance. No single interest category shall constitute more than one-third of the membership. Each member organization, association, agency, Chair or past Chair shall have one vote.

The standards development process for the NESC shall provide for a fair, equitable, and balanced consideration of the diverse interests and not be dominated by any single interest category, individuals, or organizations affected by the NESC. Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints. Subcommittees of the Main Committee shall include at least an Executive Subcommittee, Technical Subcommittees responsible for specific sections of the NESC, an Interpretations Subcommittee and other subcommittees having responsibilities as delegated by the Main Committee.

1.2 Secretariat

The Institute of Electrical and Electronics Engineers serves as Secretariat of the NESC. The Secretary of the NESC shall be appointed by the Secretariat.

1.3 Scope

The scope of the Main Committee is to provide strategic direction and revision to the NESC.

2. Main Committee

2.1 Main Committee Responsibilities

The Main Committee responsibilities include:

- 1) Revising and/or maintaining the NESC;
- 2) Establishing or disbanding Technical Subcommittees, working groups or task forces
- 3) Voting on approval of revisions to the NESC proposed by the technical subcommittees
- 4) Adopting Main Committee procedures and revisions thereof;
- 5) Considering and acting on proposals for termination of the Main Committee (see Section 8);
- 6) The addition or termination of Main Committee member organizations;
- 7) Other matters requiring Main committee action as provided in these procedures.

2.2 Main Committee Membership

Members of the Main Committee shall be organizations, associations, and government agencies which are national in scope, the Chair, and the most recent active past Chair all having a direct and material interest in the activities of the Main Committee. The addition or termination of members shall be subject to approval by the Main Committee after the application has been processed in accordance with Section 2.5 or the membership reviewed in accordance with Section 2.6.

Exception: If no national organization, association or government agency exists for the representation of a group or individual that has a material interest in the code, the Executive Subcommittee may consider the additional membership and provide a recommendation to the Main Committee.

Note: TVA, BPA, and WAPA are “grandfathered” although they are not national in scope, but were members before this rule was changed.

2.3 Main Committee Categories of Interest

All appropriate interests that might be directly and materially affected by the activity of the Main Committee shall have the opportunity for fair and equitable participation in the development of the NESC without dominance by any single interest. Each prospective member shall consult with the Main Committee Chair and Secretariat to determine the appropriate category of interest to maintain balance within the Main Committee. The Main Committee may consider interests other than those defined below to include any stakeholder that may have been inadvertently omitted.

The categories of interest shall be as follows:

(Refer to Annex A for definitions of categories)

CPR	Communications Private Sector
EPR	Electric Supply Private Sector
EPU	Electric SupplyPublic Sector
CPU	Communications Public Sector
OU	Other Utilities (non-electric or non-communication)
ECL	Electric and Communication Labor
M	Manufacturers
IEO	Independent Electric Operators
I	Insurance Representatives
CG	Consumer and Government
PS	Professional Societies
CEC	Consulting, Engineering and Construction
IM	Individual Members

2.4 Main Committee Officers

From the membership of the Main committee, a Chair and a Vice-Chair shall be recommended by the Secretariat in consultation with the members of the Executive Subcommittee, and confirmed by the Main Committee for terms of at least one code cycle. Each may be reappointed and may serve until a successor is selected and ready to serve, not to exceed 10 years.

If the Vice-Chair is appointed to the Chair, previous service as Vice-Chair shall not be counted in determining service as Chair. The Vice-Chair shall carry out the Chair's duties if the Chair is unable to do so.

Upon appointment, the Chair shall not represent an organization. The Chair shall have a vote on the Main Committee, the Executive Subcommittee, Subcommittee 1, and likewise, if a member on the Interpretations Subcommittee, but shall not have a vote on technical subcommittees.

2.5 Main Committee Application for Membership

A request for membership shall be addressed to the Secretariat. Each application shall include a letter of intent which shall indicate the applicant's direct and material interest in the Main Committee's work, indicate the applicant's commitment to provide representation on the Main Committee, and designate the representative and may also designate an alternate. The application shall include the representative's and alternate's qualifications (in the form of a resume, curriculum vitae, or detailed summary of NESC-related work history) and a statement that they are willing and able to actively participate.

2.5.1 Recommendation

The Secretariat shall consider the following when recommending appropriate action to the Main Committee on applications for membership:

- 1) Need for active participation by each interest category;
- 2) Maintaining balanced representation;
- 3) Potential for dominance or imbalance by a single interest categories;
- 4) Extent of interest expressed by the applicant and the applicant's commitment to provide actively participating representation;
- 5) Member classification.

2.5.2 Similar Interests

The Secretariat may recommend that the applicant seek representation through an organization that is already a member and represents the same or similar interests. Copies of such recommendations shall be furnished to the Main Committee members for information only.

2.6 Review of Main Committee Membership and Representation

The Secretariat shall review the membership list as needed with respect to the criteria of Sections 1.1, 2.3 and 2.5. The Secretariat shall notify the members of the Executive Subcommittee of any case where the balance requirements of Section 1.1 are not met, for which the Executive Subcommittee will take appropriate actions to bring the committee back into balance.

Organizations with membership on the Main Committee are expected to provide representatives to fulfill attendance, voting, correspondence, and other obligations. When a member's representative is found in default of these obligations, the Secretariat shall take appropriate action, which may include a request to the member for replacement of the representative.

If a member (a) continues in default of its obligations, or (b) ceases to meet the requirements of Sections 2.2 and 2.3, the Secretariat shall make appropriate recommendations to the Main Committee. A member shall submit the same information requested in Section 2.5 if a change of representative or alternate is necessary.

2.7 Main Committee Membership Roster

The Secretariat shall maintain a current and accurate Main Committee roster and shall distribute it to the members and their Main Committee representatives as appropriate. The roster shall include the following:

- 1) Title of the Main Committee and its designation;
- 2) Scope of the Main Committee;
- 3) Secretariat - name of organization, name of Secretary and email address(es);
- 4) Officers - Chair and Vice-Chair;
- 5) Members - name of organization or agency, its representative and alternate, email address and business affiliations; or name, email address and business affiliation of individual member(s).
- 6) Classification of each member;
- 7) Tally of classifications - total of voting members and subtotals for each interest category.

2.8 Main Committee Meetings

Main Committee meetings shall be held, as decided by the Main Committee, the Chair, the Secretariat, or by petition of five or more members, to conduct business, such as making assignments, receiving reports of work, considering draft revisions of the NESC, resolving differences among subcommittees, and considering views and objections from any source.

2.8.1 Open Meetings

Meetings of the Main Committee shall be open to observers having direct and material interest. Any observer interested in attending a Main Committee meeting shall inform the Secretariat of their intention to attend a meeting in advance of the meeting date.

2.8.2 Quorum

A majority (51%) of the members of the Main Committee shall constitute a quorum for conducting business at a meeting. In the absence of a quorum, actions may be proposed which require confirmation by ballot. Only voting members shall be counted in determining if a quorum exists. Only the designated alternate member is allowed to vote in place of their principal member.

2.9 Main Committee Voting

2.9.1 Votes on membership and officer-related issues

An affirmative/negative/abstain method of voting shall be followed. Votes related to these issues are not required to be accompanied by reasons and are not resolved or circulated to the consensus body.

2.9.2 Votes on issues other than membership and officer-related issues

Each member shall vote one of the following positions:

- 1) Affirmative;
- 2) Affirmative, with comment;
- 3) Negative, with written reasons provided (the reasons for a negative vote shall be given and if possible should include specific wording or actions which would resolve the objection);

- 4) Abstain, with written reasons provided.

Members not returning ballots are considered "no return", which means they are not counted as voting for or against.

2.9.2.1 Vote of Alternate

An alternate's vote is counted only if the principal representative fails to vote.

2.9.2.2 Single Vote

No organization shall have more than one vote and no individual shall represent more than one organization.

2.9.2.3 Voting Period

The voting period for letter ballots on approval of the NESC shall end 30 days from the date of issue or as soon as all ballots are returned, whichever comes earlier. An extension may be granted at the Chair's option, when warranted. Voting on all other matters shall be limited to 30 days.

A follow-up letter requesting immediate return of the ballot may be sent, as appropriate, to members and alternate members whose votes have not been received within 10 working days before the ballot closes.

2.9.3 Actions Requiring Approval by a Majority of the Membership

The following actions require approval by a majority of the members of the Main Committee either at a meeting or by letter ballot:

- 1) Confirmation of officers recommended by the Secretariat;
- 2) Removal of officers;
- 3) Formation of a technical subcommittee, including its scope, and duties;
- 4) Addition of new Main Committee organization members in their appropriate interest category;
- 5) Confirmation and termination of Main Committee members;
- 6) Approval of minutes;
- 7) Authorization of a letter ballot.

2.9.4 Actions Requiring Approval by Two-Thirds of the Membership

The following actions require a letter ballot or equivalent formal recorded vote with approval by at least two-thirds of the membership:

- 1) Adoption of the NESC procedures, categories of interests, or revisions thereof;
- 2) Disbandment of technical subcommittees.

2.9.5 Action Requiring Approval by Three-Quarters of the Membership

The following actions require a formal recorded vote via letter ballot with approval by at least three-quarters of the membership:

- 1) Reaffirmation of the NESC;
- 2) Withdrawal of the NESC;
- 3) Approval of a revision or addendum (see Section 10) to part or all of the NESC, including the revision cycle;

- 4) Approval of termination of the Main Committee.

2.9.6 Authorization of Letter Ballots

A letter ballot may be authorized by any of the following:

- 1) Majority vote of those present at a Main Committee meeting;
- 2) The Chair;
- 3) The Executive Subcommittee;
- 4) The Secretariat;
- 5) Petition of five or more members of the Main Committee.

2.9.7 ANSI Review

Proposals for reaffirmation, revision, or withdrawal of the NESC shall be transmitted to ANSI for listing in their Standards Action for comment.

The Secretariat shall determine whether listing of proposed NESC Main Committee actions shall be concurrent with the final Main Committee letter ballot and whether announcement in other suitable media is appropriate. Notification of standards activity shall be announced in suitable media as appropriate to demonstrate an opportunity for participation by all directly and materially affected persons.

Views and objections resulting from the above shall be dealt with in accordance with Section 2.9.8. Any substantive change made in the proposed NESC shall be relisted in accordance with the above.

2.9.8 Disposition of Views and Objections

When the balloting has been closed, the Secretary shall forward the ballot tally to the Chair of the Main Committee. The Executive Subcommittee shall act as the Ballot Resolution Committee and meet to consider all ballots and comments received.

Prompt consideration shall be given to the expressed views and objections of all participants, including those commenting on the listing in ANSI Standards Action. A concerted effort to resolve all expressed objections shall be made, and each objector shall be advised in writing of the disposition of the objection and the reasons therefor.

All substantive changes and unresolved objections along with attempts at resolution shall be reported to the Main Committee members in order to afford all members an opportunity to respond to them or to reaffirm or change their votes within 10 days.

2.9.9 Report of Final Result

The final result of the voting shall be reported, by interest categories, to the Secretariat and to the Main Committee.

3. Secretariat

3.1 Secretariat Responsibilities

The Secretariat responsibilities include:

- 1) Organize the Main Committee (see Section 1.1);
- 2) Maintain accreditation in accordance with ANSI Essential Requirements including submission of the Main Committee roster;
- 3) Oversee the Main Committee's compliance with these procedures;
- 4) Maintain a roster of the Main Committee and the Executive, Interpretations and Technical Subcommittees;
- 5) Provide a Main Committee Secretary to perform administrative work including secretarial services, meeting notices and arrangements, preparation and distribution of meeting agendas, minutes, ballots and draft revisions, and maintenance of adequate records;
- 6) Submit Project Initiation Notification System (PINS) form at the beginning of the revision cycle;
- 7) Submit revisions of the NESC approved by the Main Committee, with supporting documentation, for ANSI review and approval as an American National Standard;
- 8) Publish the NESC, revisions, preprints and interpretations;
- 9) Perform other administrative functions as required by these procedures;
- 10) Maintain an Interpretations Subcommittee (see Section 11);
- 11) Ensure that comments resulting from the filing of PINS form will be addressed in accordance with the most current version of the ANSI Essential Requirements;
- 12) Retain evidence of procedural compliance with NESC procedures and the ANSI Essential Requirements, subject to ANSI's audit.

4. Executive Subcommittee

4.1 Executive Subcommittee Responsibilities

The Executive Subcommittee (ExSC) is responsible for:

- 1) Approving the chairs and secretaries of other subcommittees;
- 2) Reviewing, evaluating and approving all membership nominations and applications of the technical and interpretations subcommittees;
- 3) Removal of Chair or Secretary of a subcommittee;
- 4) Removal of subcommittee members;
- 5) Timely processing of unresolved ballots with negative comments on the draft NESC Main Committee letter ballot or ANSI public review which shall be distributed to the appropriate subcommittee for recommendation;
- 6) Act in an advisory capacity for NESC matters;
- 7) Appointment of an appeals panel in the event that a hearing on a complaint is to be held; and
- 8) Other matters as delegated by the Main Committee;

4.1.1 Ballot Resolution Committee

The Executive Subcommittee shall act as the Ballot Resolution Committee for comments received on the draft NESC letter ballot.

4.2 Executive Committee Officers and Membership

The Chair and Vice-Chair of the Main Committee shall be ex-officio Chair and Vice-Chair, respectively, of the Executive Subcommittee. These two ex-officio members shall maintain a group of at least five additional members selected from the Main Committee, to be confirmed by the present members of the Executive Subcommittee, whose areas of interest shall be such as to achieve the most practical balance of the total

membership of the Executive Subcommittee, e.g., electric supply/private, electric supply/public, rural services, communication, government, labor. The Main Committee shall confirm appointments.

5. Technical Subcommittees

When one or more subcommittees of the Main Committee are formed to expedite the work of the Main Committee, their formation (and later disbandment) requires approval by the Main Committee (see Sections 2.9.3 and 2.9.4) and appropriate public notice. Publication in the Main Committee's published standard or preprints or in ANSI's Standards Action shall constitute appropriate public notice.

The scope and responsibilities delegated to the subcommittee shall be approved at the time it is formed, and subsequent changes in scope or duties shall also require approval. An appropriate balance of subcommittee interests shall be considered. No single category shall constitute more than 1/3 of the membership of the subcommittee.

Between the final change proposal submission date and the beginning of technical subcommittee meetings each committee shall be reviewed to ensure no single interest category constitutes more than 1/3 of the membership of the subcommittee. If, during a revision cycle, a committee member resignation puts any one category above the required 1/3 of the membership no principal member will be asked to become an alternate as long as any one category never exceeds 40 percent of the technical subcommittee membership. New members may be added as appropriate as long as no category exceeds 1/3 of the membership.

5.1 Technical Subcommittee Responsibilities

Technical Subcommittee responsibilities include:

- 1) Voting on change proposals submitted to the technical subcommittee. Change proposals that are accepted are recommended to the Main Committee for adoption into the next edition of the NESC;
- 2) Forming Working Groups and Task Forces as needed to create, evaluate and consider all aspects of a technical topic or change proposal;
- 3) As delegated by the Executive Subcommittee, the subcommittees are responsible for the consideration of ballots with negative comments resulting from the Main Committee letter ballot on the approval of the proposed revision of the NESC;
- 4) Assisting the Main Committee, as required (e.g., drafting all or a portion of the NESC, drafting responses to comments, drafting positions on international standards, or other purely advisory functions).

5.2 Membership of Technical Subcommittee 1

Subcommittee 1 shall be composed of the Main Committee Chair, the Interpretations Subcommittee Chair, and chairs of all other technical subcommittees as principal members. The Main Committee Vice-Chair and the secretaries of all other technical subcommittees are alternates to their respective principal voting members.

The Chair of Subcommittee 1 is selected from the existing Principal members, upon recommendation by the Secretariat, and shall be approved by majority vote of the members of the Executive Subcommittee. Principals and alternates of each subcommittee shall represent the positions of their subcommittees during Subcommittee 1 deliberation.

In the event of a tie vote, the Main Committee Vice-Chair may cast the tie-breaker vote, if present.

5.3 Membership of Technical Subcommittees 2-8

The membership of Technical Subcommittees 2 through 8 shall be classified by the categories of interest defined in Annex B for purposes of maintaining proper balance on the subcommittee. The individuals may represent companies, associations, organizations, government organizations as well as qualified self-employed consultants. A company, organization, or association, government agency, or consultant may participate on the subcommittees without being represented on the Main Committee. Representation from each organization, or association, or government agency on the Main Committee is not required on each of the subcommittees. A special category, Emeritus, shall be included. (Refer to Annex B for definition of Emeritus).

Members on any technical subcommittee are expected to actively participate in subcommittees; this includes attendance at meetings, voting, correspondence, and other obligations. When a member is found in default of these obligations, the Secretariat shall make appropriate recommendations to the Executive Subcommittee, which may include removal from a subcommittee.

The chair of technical subcommittees 2 through 8 shall be recommended by the secretariat and approved by a majority vote of the members of the Executive Subcommittee. The NESC Secretary in concert with the Subcommittee Chair shall recommend a Secretary for a Technical Subcommittee for approval by a majority vote of the members of the Executive Subcommittee.

5.3.1 Application for Membership on Technical Subcommittees 2-8

A request for membership shall be addressed to the Secretariat. Each application shall include a letter of intent which indicates the applicant's direct and material interest in the subcommittee's work. The application shall also include the representative's qualifications (in the form of a resume, curriculum vitae, or detailed summary of NESC-related work history) with a statement that they are willing and able to actively participate actively. The Secretariat shall forward all complete membership requests to the Executive Subcommittee, and Chair and Secretary of the technical subcommittee for approval, along with any additional pertinent information, including verification that the subcommittee balance would be maintained (i.e. effect on balance). The Secretariat shall provide copies of all of these documents to the Chair and Secretary of the technical subcommittee.

5.3.2 Recommendation for Technical Subcommittee Membership

In recommending appropriate action to the Executive Subcommittee on applications for membership, the Secretariat shall consider the:

- 1) Need for active participation by each interest category;
- 2) Maintaining balanced representation among interest categories;
- 3) Potential for dominance or imbalance by a single interest category;
- 4) Extent of interest expressed by the applicant and the applicant's commitment to provide actively participating representation;
- 5) Member classification.

5.3.2.1 Limits on Technical Subcommittee Size

The Secretariat, along with the Technical Subcommittee Chair and Secretary, may recommend to the Executive Subcommittee reasonable limits on Subcommittee size.

5.3.3 Categories of Interest

All appropriate interests, which might be directly and materially affected by the activity of the technical subcommittees, shall have the opportunity for equitable participation in the technical subcommittees. Each prospective member, when requesting membership, should state which category of interest they believe they represent. The Main Committee Chair and Secretariat shall review the prospective member's category of interest and will recommend to the Executive subcommittee the prospective member's classification.

The Executive Subcommittee may consider interests other than those defined below to include any stakeholder that may have inadvertently been left out.

The categories of interest are:

(Refer to Annex B for definitions of categories)

- CPR - Communications Private Sector
- EPR - Electric Private Sector
- EPU - Electric Public Sector
- CPU – Communications Public Sector
- ECL – Electric and Communications Labor
- GOV –Government
- CEC - Consulting, Engineering and Construction
- GI - General Interest will include:-
 - OU - Other Utilities (non-electric or non-communications)
 - M - Manufacturers
 - IEO- Independent Electric Operators
 - I - Insurance Representatives
- Additional Classifications (non-voting)
 - EM -- Emeritus
 - O -- Observers

5.4 Technical Subcommittee Scopes

Each technical subcommittee has a scope of responsibility that aligns with the following topics and sections of the NESC:

- SC1- Purpose, Scope, Definitions and References– (Sections 1, 2 and 3); Plus coordination between technical subcommittees
- SC2- Grounding Methods - Section 09
- SC3- Electric Supply Stations - Sections 10-19
- SC4- Overhead Lines - Clearances - Sections 20-23
- SC5- Overhead Lines - Strength and Loading - Sections 24-27
- SC7- Underground Lines - Sections 30-39
- SC8- Work Rules - Sections 40-43.

5.5 Technical Subcommittees, Working Groups, or Task Forces

Working Groups or Task Forces may be appointed by the Main Committee and any of the technical subcommittees to address topics and issues as required. For coordination, the Chair and Vice Chair of the Main Committee and Secretary shall be informed of the formation of a Working Group or Task Force, and a list of active working groups and Task Forces shall be maintained.

Working Groups or Task Forces do not require a balance of interests and are open to any interested party, including those who are not members of any NESC committee or subcommittee. The Working Group or

Task Force Chair may recommend to the Subcommittee Chair reasonable limits on working group or task force size to maintain manageable group size.

5.5.1 Working Group

A Working Group (WG) is comprised of qualified individuals, with an assigned Chair, tasked to consider and report upon a specific- well defined topic with the intent of proposing a specific action to address the defined topic. A WG can be established by any Technical Subcommittee, the Executive Subcommittee, or the Main Committee. The entity establishing the WG shall provide a written scope, the form of the deliverable, and provide a targeted schedule for completion of the desired outcome.

5.5.2 Task Force

A Task Force (TF) is comprised of lead individual(s), Chair or Co-Chairs, assigned to consider and report upon topics which are more specific in nature than that considered by a working group. A TF is typically created to address a portion of work of a working group. The lead individuals will engage subject matter experts (SME) as necessary to support the efforts of the TF. A TF can be established by any Working Group, Technical Subcommittee, the Executive Subcommittee, or the Main Committee. The entity establishing the TF shall provide a written scope; the deliverable will be determined by the TF lead(s). The TF shall exist until it is determined between the establishing entity and the TF lead(s) that it is to be disbanded.

5.6 Subcommittee Membership Roster

The Secretariat shall maintain a current and accurate roster for each subcommittee and shall distribute it to the Chairs and Secretaries as appropriate. The roster shall include the following:

- 1) Title of the Subcommittee
- 2) Scope of the Subcommittee
- 3) Secretariat - name of organization, name of Secretary and email address(es)
- 4) Officers - Chair and Secretary
- 5) Members and alternate (if applicable) - name, email address and business affiliations.
- 6) Classification of each member
- 7) Tally of classifications - total of voting members and subtotals for each interest category.

5.7 Technical Subcommittee Meetings

Meetings of subcommittees may be held as decided by the Secretariat, members, or Chairs of the subcommittees.

5.7.1 Open Meetings

Meetings of the technical subcommittees shall be open to those who are not a member of the subcommittee (see Section 5.3), and have direct and material interest. Any such person interested in attending a technical subcommittee meeting shall inform the Secretariat of their intention to attend a meeting in advance of the meeting date. Interested individuals may only participate with advance notice upon request to present or participate in specifically identified change proposals or topics. Such requests shall be considered and approved by both the Secretariat and the technical subcommittee Chair.

5.7.2 Quorum

Two-Thirds (67%) of the members of a technical subcommittee shall constitute a quorum for voting on change proposals at a meeting. In the absence of a quorum for this purpose, actions may be proposed which require confirmation by letter ballot. Only voting members shall be counted in determining if a quorum exists. Only the designated alternate member is allowed to vote in place of their principal member.

Other than voting on change proposals, a majority (51%) of the members of the technical subcommittee shall constitute a quorum for conducting business at a meeting. In the absence of a quorum for this purpose, actions may be proposed which require confirmation by letter ballot.

Only voting members shall be counted in determining if a quorum exists. Only the designated alternate member is allowed to vote in place of their principal member.

5.8 Technical Subcommittee Voting

5.8.1 Voting

Technical Subcommittees recommendations and actions concerning change proposals require approval by a majority vote of the attending subcommittee members if a quorum is present. A tie vote on the initial ballot is indicated as such (“No majority position”) in the Preprint for public comment. A tie vote on the final ballot is not considered to be approval by a majority and is not recommended for inclusion in the NESC.

5.8.2 Technical Subcommittee Recommendations

5.8.2.1 Initial Voting Recommendations

The following recommendations can be made by the technical subcommittees at subcommittee meetings and are voted on by members:

- 1) Accept;
- 2) Accept in principle;
- 3) Accept as modified;
- 4) Accept in part;
- 5) Reject with comment; or
- 6) No majority position.

Withdrawn change proposals will be published in the Preprint, however, no comments will be accepted on these proposals.

5.8.2.2 Final Voting Recommendations

The following recommendations can be made by the technical subcommittees at subcommittee meetings and are voted on by members:

- 1) Accept;
- 2) Accept as modified; or
- 3) Reject with comment.

5.8.3 Technical Subcommittee Member Voting Positions

Each individual member eligible to cast a vote shall vote one of the following positions:

- 1) Affirmative;
- 2) Affirmative, with comment should be provided by the end of the Subcommittee meetings for all CPs but shall be provided not later than 10 working days of the close of the technical subcommittee meeting;
- 3) Negative; written reasons should be provided by the end of the Subcommittee meetings for all CPs but shall be provided not later than 10 working days of the close of the technical subcommittee meeting (the reasons for a negative vote shall be given and if possible should include specific wording or actions which would resolve the objection). If voting negative and no comment is provided, the vote is considered as "no return";
- 4) Abstain; written reasons shall be provided should be provided by the end of the Subcommittee meetings for all CPs but shall be provided not later than 10 working days of the close of the technical subcommittee meeting.

Voting members not present at the meeting, or voting negative without comment, are considered "no return," and are not counted as voting for or against.

5.8.4 Recommendation of Approved Change Proposals for the NESC

Conducted in accordance with Section 5.8, the change proposals for the NESC revisions accepted and approved by a technical subcommittee shall comprise the final draft that is submitted to the Main Committee for approval.

6. Revision of the National Electrical Safety Code

6.1 Preparation of Change Proposals for Amendment

A change proposal may be prepared by any;

- 1) Substantially interested person;
- 2) Interested organization;
- 3) NESC subcommittee
- 4) Member of the NESC Main Committee or its technical subcommittees.

6.2 Change Proposal Submittal

Change proposals shall be submitted to: Secretary, National Electrical Safety Code Committee using the change proposal form (template) via the IEEE NESC website.

Each separate rule change shall begin on a separate change proposal form. The change proposal shall consist of:

- 1) A statement, in NESC rule form, of the exact change, rewording or new material proposed;
- 2) The name of the submitter (organization or individual as applicable);
- 3) Supporting comments, giving the reasons why the NESC should be so revised.

6.3 Secretariat Action

The Secretariat shall:

- 1) Determine if the change proposal is in the proper format and contains all information necessary to make it acceptable for processing. If it is incomplete or otherwise fails to meet the requirements for processing, the Secretary shall return it to the submitter for completion or revision;
- 2) Determine if the change proposal is to be considered through the Standard or Fast Track Revision Process;
- 3) Acknowledge receipt of proposals for revision. (If the submitter does not receive an acknowledgment within 30 days of submission, the submitter should contact the Secretariat);
- 4) Distribute to each member of the appropriate NESC subcommittee all of the proposals received, arranged in a coordinated sequence.

6.4 Standard Revision Process

The revision process shall follow the revision schedule published in the version of the National Electrical Safety Code under revision.

6.4.1 Technical Subcommittee Recommendation

The NESC subcommittee responsible shall consider each proposal and take one or more of the following steps (see Section 5.8.2):

- 1) Endorse the proposal as received.
- 2) Prepare a proposed revision or addition for the NESC (this may be a coordination of several comments or a committee consensus on a modification of a proposal).
- 3) Refer the proposal to a technical working group or task force for detailed consideration.
- 4) Request coordination with other NESC Subcommittees
- 5) Recommend rejection of the proposal for stated reasons.

For each item, a subcommittee voting statement shall be prepared, accompanied by members' statements concerning their votes (cogent reasons are required for negative and abstention votes).

6.4.2 Preprint of Proposals

The Secretariat shall organize and publish a preprint of proposed C2 revisions including:

- 1) Each Main Committee and Subcommittee member identified by category and affiliation;
- 2) The original proposal as received from the submitter;
- 3) The recommendation of the subcommittee with respect to the proposal (including a voting statement and subcommittee members' statements);
- 4) Information regarding submittal forms (templates) for comments.

The preprint shall be distributed to all members of NESC subcommittees and the representatives of the organizations comprising the NESC Main Committee. Printed and/or electronic copies shall be available for sale to all interested parties. Notice of availability of the preprint shall be submitted to ANSI for publication in ANSI Standards Action. The preprint shall carry information on how to submit comments on the proposals and the final date for such submissions.

6.4.3 Final Processing of Proposed Revisions and Comments

Following the public review period, the Secretariat shall organize and distribute for subcommittee consideration all comments received.

6.4.3.1 Review of Public Comments

The preprint and the public comments received shall be considered by the subcommittees. Change proposals on new or significantly different issues may not be considered. Substantive changes in the ballot draft from the recommendations in the preprint shall be appropriately noted. The subcommittee may take the following actions:

- a) The subcommittee may recommend adoption or rejection of the proposal by majority vote.
- b) When extended technical consideration or resolution of differing or conflicting points of view is necessary, the subcommittee may refer the problem to a working group of the subcommittee for proposed resolution. If expeditious consideration is not possible, the subject shall be held on the docket.
- c) Each working group shall provide, to its parent subcommittee, recommendations on matters considered as a result of subcommittee referrals under items Sections 6.4.3.1 a) and 6.4.3.1 b).
- d) Each subcommittee shall prepare a report showing its proposed revisions and all items to be held on the docket together with a plan for their disposition.
- e) The Secretary shall provide commenters with copies of reports of actions taken on the rules affected by their comments, and shall make all such reports available for examination upon request.

6.4.4 Final Approval

Based upon the subcommittee reports, the Secretariat shall prepare a draft revision of the NESC and distribute copies to:

- 1) The NESC Main Committee for approval by a 30-day letter ballot (see Section 2.9.5);
- 2) The American National Standards Institute for concurrent 45-day public review in ANSI Standards Action.

Comments received in response to the letter ballot and public review shall be considered by the Executive Subcommittee. Since technical changes on new or significantly different issues are not allowed during this time, (see Section 6.4.3.1), any new or significantly different technical change that is suggested shall be sent by the Executive Subcommittee to the appropriate cognizant technical subcommittee for consideration for the next revision cycle. The Executive Subcommittee shall be responsible for the timely processing of unresolved comments. Unless a consensus for revision is established, as defined in 2.9.5, the requirements of the current edition shall carry over to the proposed edition. Those items on which consensus cannot be reached shall be considered by the appropriate cognizant technical subcommittee during the next revision cycle.

All ballots with unresolved negative comments shall be recirculated for 10 days to the Main Committee. The verbatim text of each comment, the name of the negative voter, and a rebuttal shall be included in the recirculation ballot package. During a recirculation ballot, committee members shall have an opportunity to respond, reaffirm or change their previously cast votes.

In connection with an objection articulated during a public comment period, or submitted with a vote each such objector shall be informed in writing that an appeals process exists within these procedures.

6.4.4.1 ANSI Approval

When consideration of comments received in response to letter ballot and public review has been completed, the proposed new edition of the NESC shall be submitted to ANSI for approval. The edition shall list the category of each member of the Main Committee, Executive Subcommittee and other subcommittee members along with their affiliation. Any procedural appeals must be concluded prior to the submittal of the BSR-9 results to ANSI.

The information supplied to ANSI shall be in accordance with 7.1.

6.5 Fast Track Revision Process

6.5.1 Authorization

The Executive Subcommittee and the Main Committee shall both approve the formation of all Working Groups apportioned to develop Change Proposals to the National Electrical Safety Code which are to be considered under the procedures of the Fast Track Process. The Fast Track Revision Process is intended to be used for issues that are urgent in nature but do not qualify under the Tentative Interim Amendment procedures (Section 10).

- a) The Executive Subcommittee shall recommend the formation of a Working Group to the Main Committee for their approval.
- b) The formation of Fast Track Working Groups may be recommended to the Executive subcommittee by:
 - 1) The Main Committee
 - 2) The Executive Subcommittee
 - 3) Technical subcommittees or individual technical subcommittee members
 - 4) Any substantially interested individual, group, or organization

6.5.2 Scope

The Executive Subcommittee shall prepare a Working Group objective/scope document which shall include a targeted completion date. The Main Committee may revise the Working Group's objective/scope when approving the Working Group.

6.5.3 Application

The Executive Subcommittee shall consider the need for a Fast Track Working Group based on, but not limited by, the following:

- a) Emerging technologies not adequately addressed by existing safety rules;
- b) Regulatory requirements which justify either a reconsideration of existing safety rules or the possible development of new safety rules;
- c) Change Proposals developed by Working Groups approved by a technical subcommittee;
- d) Insufficient existing rules for the subject/activity;
- e) Needs of the electric supply or communication industry to resolve the issue prior to the next Standard Revision cycle.

6.5.4 Working Group

The Executive subcommittee will confirm a Working Group Chair upon Main Committee approval of a Working Group. The confirmed Chair will determine the size and membership of the Working Group with consent of the Executive subcommittee.

Working Groups do not require a balance of interest and are open to any interested individual as determined by the Chair of the Working Group.

6.5.5 Final Report

The Working Group's final report shall be

- a) A Change Proposal, as required by Section 6.2; and/or
- b) A final report stating why a Change Proposal is not required, what problems could not be addressed, and any relevant background.

6.5.6 Processing

The Working Group Chair shall submit Change Proposals approved by the majority of the Working Group to the Secretariat.

The Secretariat shall submit the Change Proposal to the appropriate technical subcommittee(s). Concurrently, the Secretariat will post the Change Proposal on the IEEE NESC Web site and in ANSI Standards Action for a 45 day period to accept public comments.

6.5.6.1 Technical Subcommittee Recommendation

The Technical subcommittee(s) shall consider the Change Proposal and public comments and shall submit the Change Proposal to the Main Committee with recommendations to:

- a) Accept;
- b) Reject; or
- c) Accept as Modified.

6.5.6.2 Main Committee Consideration

- a) The Main Committee shall consider the Change Proposal and shall vote to:
 - 1) Accept the submitted Change Proposal;
 - 2) Reject the submitted Change Proposal; or
 - 3) Return the submitted Change Proposal to the technical subcommittee with comments.
- b) A Change Proposal returned to the technical subcommittee shall be reconsidered and voted to:
 - 1) Accept the Change Proposal with Main Committee comments and return the Change Proposal to the Main Committee;
 - 2) Accept as Modified by the technical subcommittee and return the Modified Change Proposal to the Main Committee; or
 - 3) Reject the Change Proposal and the technical subcommittee chair shall advise the Secretariat accordingly.
- c) Change Proposals return to the Main Committee shall be reconsidered and voted to:
 - 1) Accept and the approved Change Proposal shall be incorporated into the National Electrical Safety Code; or.

- 2) Reject and the Chair of the Main Committee shall advise the Secretariat and chair of the technical subcommittee accordingly.

6.5.6.3 Subsequent Processing of Fast Track Process Change proposals

Change Proposals accepted by the Main Committee through the Fast Track Process shall be submitted by the Secretariat as a Change Proposal for the next Standard Revision cycle. The Change Proposal is to be identified as Approved by the Fast Tract Process and is open to full review in the Standard Revision Cycle.

Change Proposals rejected by the technical subcommittee or the Main Committee may be submitted for consideration under the Standard Revision Process.

6.5.6.4 Schedule for Fast Track Revision

6.5.6.4.1 Fast Track Schedule Start

Change Proposals intended for the Fast Track Revision Process may be submitted to the Executive Subcommittee after the technical subcommittees have completed their scheduled meetings to consider and vote upon Change Proposals contained in the NESC Preprint and those submitted during the associated technical subcommittee meetings.

6.5.6.4.2 Fast Track Schedule End

The Main Committee may accept Fast Track Revision Process Change Proposals any time after the time frame set in Section 6.5.6.4.1 up to January 1st of the year commencing the next Standard NESC Revision Process cycle.

7. Submittal to ANSI

Upon completion of the procedures for voting, disposition of views and objections, and appeals, the proposed NESC (including any revision resulting from a Fast Track submittal) shall be submitted to ANSI by the Secretariat. If the Secretariat does not submit the proposal to ANSI within 45 days, any member(s) of the Main Committee may make the submittal.

7.1 Information Submitted

The information supplied to ANSI shall include:

- 1) Title and designation of the proposed American National Standard;
- 2) Indication of the type of action requested (i.e., approval of a new American National Standard or reaffirmation, revision, or withdrawal of an existing American National Standard);
- 3) A declaration that applicable procedures were followed;
- 4) A declaration that the proposed standard is within the scope of the previously registered standards activity;
- 5) A declaration that conflicts with another American National Standard have been addressed in accordance with these procedures;
- 6) A roster of the consensus body that indicates: the vote of each member, including abstentions and unreturned letter ballots, if applicable; the interest category of each member; and a summary thereof;

- 7) A declaration that all appeal actions related to the approval of the proposed standard have been completed;
- 8) A declaration that the criteria contained in the ANSI patent policy have been met, if applicable;
- 9) Identification of all unresolved negative views and objections, with names of the objector(s), and a report of attempts toward resolution.

8. Termination of Main Committee

A proposal to terminate the Main Committee shall be processed in accordance with Section 2.9.4.

9. Communications

9.1 Formal Internal Communication

If correspondence between subcommittees or between working groups of different subcommittees involves issues or decisions (i.e., non-routine matters) affecting other subcommittees: copies shall be sent to all affected subcommittee chairs, the Executive Subcommittee, the Main Committee officers, and to the Secretariat.

9.2 External Communication

All correspondence to external parties shall be through the Secretariat. Inquiries relating to the Main Committee shall be directed to the Secretariat. All replies to inquiries shall be made through the Secretariat.

10. Tentative Interim Amendments

10.1 Authorization

A Tentative Interim Amendment (TIA) to the National Electrical Safety Code may be proposed if the Tentative Interim Amendment is of a nature that significantly affects the safeguarding of persons and utility facilities and requires interim action prior to the approval of the next edition of the NESC.

10.2 Preparation

A Tentative Interim Amendment shall be prepared in accordance with Section 6.2. In addition, the supporting comments shall explain the nature of the proposed change necessitating prompt action.

10.3 Determination of Acceptance

A proposed Tentative Interim Amendment shall be submitted to the Secretary of the NESC Main Committee, who shall determine if it is in the proper format and contains all information necessary to make it acceptable for processing. If the Tentative Interim Amendment is incomplete or otherwise fails to meet the requirements the Secretary shall return it to the submitter for completion or revision. A Tentative Interim

Amendment properly submitted shall be forwarded by the Secretary, for determination of conformance with Section 10.1, to the Technical Subcommittee(s) having jurisdiction over the rule.

10.4 Tentative Interim Amendment Review and Approvals

- a) The Technical Subcommittee(s) shall evaluate the proposed Tentative Interim Amendment against the criteria set forth in Section 10.1. If the Technical Subcommittee(s) determines the Tentative Interim Amendment does not meet the criteria of Section 10.1, the proposed Tentative Interim Amendment will not be further processed. If the Technical Subcommittee(s) determines that the proposed Tentative Interim Amendment meets the criteria of Section 10.1, the Technical Subcommittee(s) will evaluate the merits of the proposed Tentative Interim Amendment and cast a vote to accept as is, or modify the proposed TIA for further processing.
- b) An affirmative vote by at least three-quarters of the members of the Technical Subcommittee(s) shall be required for approval and further processing of a proposed TIA. Negative votes or abstentions shall be accompanied by comment.
- c) If the Technical Subcommittee(s) votes to further process the proposed TIA, the NESC Secretary shall submit the proposed TIA to a letter ballot of the NESC Main Committee.
- d) Tentative Interim Amendments submitted to letter ballot of the NESC Main Committee shall simultaneously be submitted for public review by publication in ANSI Standards Action.
- e) An affirmative vote by at least three-quarters of the members of the NESC Main Committee shall be required for approval. Negative votes or abstentions shall be accompanied by comment.
- f) If the number of affirmative votes in the Main Committee is less than three-quarters of the members, negative votes and abstentions, including comments, shall be submitted, together with the supporting comments, to the appropriate Technical Subcommittee(s) for review. The Technical Subcommittee(s) shall attempt to resolve negative votes or abstentions.
- g) If, after review by the Technical Subcommittee, any negative votes or abstentions remain unresolved, the comments submitted in support of those votes shall be circulated to all members of the NESC Main Committee who shall be given an opportunity to respond, reaffirm, or change their original votes, through a recirculation ballot.
- h) The Executive Subcommittee shall review the results of the Main Committee recirculation ballot and comments from the public review. The Executive Subcommittee shall determine final action of the proposed TIA based on the following:
 - 1) If, after an attempt has been made to resolve negative votes and abstentions, the number of affirmative votes of the NESC Main Committee is less than three-quarters of the members of the Committee, the Tentative Interim Amendment shall be rejected.
 - 2) If, after complete review of negative comments, at least three-quarters of the NESC Main Committee continue to support the Tentative Interim Amendment, it shall be released.

10.5 Notification of Submitter

The Submitter shall be notified of the results of action taken on the proposed Tentative Interim Amendment. If the proposal is rejected at any step of the processing, the reasons for the rejection shall be forwarded to the submitter.

10.6 Status of Tentative Interim Amendments

An approved Tentative Interim Amendment shall have the same status as if it has been approved as a change to the existing edition of the code until approval of the next edition.

10.7 Publication of Tentative Interim Amendment

The Secretariat shall announce approval of the Tentative Interim Amendment by publication in ANSI's Standards Action and shall include with any subsequent distribution of the National Electrical Safety Code, to which the Tentative Interim Amendment applies, the text of the Tentative Interim Amendment in an appropriate manner. The tentative character of the Tentative Interim Amendment shall be clearly indicated in the publication and in the public announcement.

10.8 Subsequent Processing of Tentative Interim Amendments

The Technical Subcommittee concerned shall process the subject matter of any Tentative Interim Amendment through normal Technical Subcommittee procedures (see Section 6) for the next edition of the National Electrical Safety Code.

11. Interpretations of the National Electrical Safety Code

11.1 General

The National Electrical Safety Code Main Committee shall maintain an Interpretations Subcommittee which shall have sole and exclusive authority to provide official interpretations of the text of any edition of the National Electrical Safety Code.

It is emphasized that the Subcommittee is only empowered to provide interpretation of the text of the Code in order to clarify the application or exact nature of a requirement of the Code; the Subcommittee cannot issue an Interpretation which changes a requirement, even if the investigations of the Subcommittee lead it to conclude that the requirement is incomplete or in error – **Changes of code requirements are made only through regularly scheduled and publicly-noticed codifying activity and vote of the NESC Main Committee or through a Tentative Interim Amendment.** The Subcommittee may, however, find from its research that the literal printing of the text is not that which was approved by the National Electrical Safety Code Committee and may issue an editorial correction as a part of its Interpretation.

It is recognized that requests are frequently received which are partially or totally requests for information or consulting advice rather than requests for interpretation of the text of the code. It is inappropriate to issue an official Interpretation of the Code in response to such requests.

Each new edition of the NESC shall:

- 1) Include an outline of the format and information required for an Interpretation Request to be accepted for review;
- 2) Indicate the address of the Secretary of the NESC to whom such requests should be sent.

Requests for interpretation should be submitted using the NESC Interpretation Request Form on the NESC website. The inquirer will be notified in writing of the Interpretation subcommittee decision.

If the request is suitable for processing, it will be sent to the Interpretations Subcommittee. After consideration by the committee, which may involve many exchanges of correspondence, the inquirer will be notified in writing of its decision. Decisions are published regularly and may be accessed on the NESC website.

11.2 Interpretations Subcommittee Organization

The Subcommittee shall be composed of a Chair, a Secretary, a General Group and supplementary specialists:

- 1) The General Group is responsible for providing comment and reviewing drafts for interpretation requests pertaining to all rules of the Code (i.e., Section 1 through Section 45, inclusive).
- 2) A supplementary specialist is a member of the Interpretations Subcommittee who is responsible for providing comment and reviewing drafts for interpretation requests pertaining to a specific section of the Code (e.g., Section 09, Part 3, etc.).

11.2.1 Interpretations Subcommittee Membership

Nominations for proposed members of the Interpretations Subcommittee may be made by the Secretariat or by any member of any NESC subcommittee. Such nominations shall be made in writing to the Secretary of the NESC and shall be forwarded by the Secretary, with recommendations, to the Executive Subcommittee for confirmation.

Members from any category of interest are permitted membership. All members (excluding Observers) shall have one vote. Upon recommendation by the Secretariat, a member may be removed because of sustained inactivity on their part or other reasonable cause.

11.2.1.1 Criteria for Appointment of Members

The membership of the Interpretations Subcommittee should, if practical, have a representative from each technical subcommittee. Each member shall have been an active participant on an NESC subcommittee through at least one, but preferably two, code revision cycles. A new appointee shall be a current member of at least one NESC technical subcommittee.

Members may participate in the General Group or as supplementary specialists, as recommended by the Interpretations Subcommittee chair, based on a review of an applicant's resume or curriculum vitae and NESC experience.

11.2.2 Interpretations Subcommittee Member Responsibilities

The General Group shall review each Interpretation Request; the supplementary specialists shall review Interpretation Requests in their area(s) of principal interest.

Each Interpretations Subcommittee member shall offer timely, individual written comments in response to requests for interpretation as circulated by the NESC Secretary and to draft interpretations prepared by the chair; each response shall be developed to the best of the Member's ability after careful review of the information provided in the Interpretation Request. Each response shall be sent to the other reviewing Members, a copy of each being also sent to the Secretary. Responses shall be based upon:

- 1) The text of the Code
- 2) Dictionary and NESC definitions of terms
- 3) Prior Interpretations issued by the Subcommittee
- 4) Personal knowledge of the development of the NESC language
- 5) Prior discussions of the Code
- 6) Other knowledge (e.g. conditions, equipment, practices, procedures, etc.) that may be useful in clarifying the literal requirements of the Code.

Any members having a personal, pecuniary interest in a matter in question, or being employed by or otherwise affiliated with a participant regarding a particular question related to the Interpretations Request, shall immediately disqualify themselves in writing from consideration of the Interpretations Request.

11.3 Secretary of the Interpretations Subcommittee

The NESC Secretary shall serve as Staff to the Subcommittee and Liaison with other committees; the Secretary shall not be a voting member of the Subcommittee.

11.3.1 Interpretations Subcommittee Secretary Responsibilities

- a) The Secretary shall review each Interpretation Request (IR) for compliance with the requirements of the Subcommittee. If such requests are found by the Secretary to have been the subject of a previous Interpretation or are otherwise found not to be in substantial compliance with the published requirements for an Interpretation Request, the Secretary shall refer such requests back to the Requestor with an explanation and, if appropriate, a suggestion that the subject of the Interpretation Requests might be better submitted as change proposals for the next NESC.
- b) Each acceptable IR shall be given an identification number by the Secretary, and the IR shall be sent to each member of the General Group and the supplementary specialists from the technical subcommittee responsible for the rule in question.
- c) The Secretary may comment on the nature of a request, prior actions of the Subcommittee, information available to codifying subcommittees or other information which may be of use to the Subcommittee in its deliberations; the Secretary may not, however, vote on the response.
- d) The Secretary shall provide the Requestor with an official written interpretation, or other response, when so provided by the Chair of the Subcommittee.

11.4 Chair of the Interpretations Subcommittee

The appointment of the Chair of the Interpretations Subcommittee (Chair) follows the same procedures as for the chair of any technical subcommittee (see Section 5.3).

11.4.1 Interpretations Subcommittee Chair Responsibilities

The Chair is responsible for assuring that official Interpretations are consensus responses of the Subcommittee.

The Chair shall review the individual responses of Members to each IR and shall prepare a suggested consensus Interpretation for review by the responding Members. A two-thirds response, with an appropriate length of response time, from Interpretation Subcommittee members who are eligible to vote is required for all interpretation requests to move forward for consensus drafts to be developed. Upon two-thirds responding, a suggested response shall be provided to responding members with an appropriate length of time for their review. This cycle shall be repeated by the Chair until approval by three-quarters of the members who are eligible to vote is reached or it is apparent that this level of approval cannot be obtained. After appropriate review of the suggested response(s) by the Members, the Chair shall provide the Secretary with an official Interpretation to be transmitted to the Requestor and made publicly available to all users of the NESC. Where the Subcommittee cannot reach a consensus agreement, the Chair shall so report to the Secretary, no interpretation shall be rendered and the Requestor shall be notified that no interpretation will be rendered.

When transmitting the consensus Interpretation to the Secretary, the Chair shall also provide a copy to each reviewing Member.

11.5 Review of Interpretations

As each new code revision cycle begins, the Secretary shall provide to the members of each NESC subcommittee a copy of each Interpretation Request received and any Interpretation issued concerning rules in its area of responsibility since the beginning of the last code revision cycle, in order to allow such subcommittee to prepare appropriate Change Proposals for review.

12. Appeals

Directly and materially affected interests who believe they have been, or will be, adversely affected by the NESC shall have the right to appeal procedural actions or inaction solely of (1) the Main Committee as described in Section 2.1; (2) any technical subcommittee as described in Section 5.1; (3) the Executive Subcommittee in its capacity as the ballot resolution body for the Main Committee ballot of the NESC, or (4) the Secretariat as described in Section 3.1. Procedural complaints include whether a technical issue was afforded due process.

12.1 Complaint

The appellant shall file a written complaint with the Secretariat, within 30 calendar days after the date of notification of action, or within 90 calendar days of any action not taken by the Main Committee or the Secretariat as described in Section 2.1 or Section 3.1, respectively. The complaint shall state the following and include documentation supporting all statements:

- the nature of the objection(s) including any adverse effects
- the section(s) of these procedures of the NESC that are at issue
- actions that are at issue
- the specific remedial action(s) which are permitted under the NESC procedures that would satisfy the appellant's concerns
- previous efforts to resolve the objection(s) and the outcome of each, including a sequence of events regarding these efforts.

12.2 Response

Within 15 calendar days after receipt of the complaint, the NESC Secretary shall send the appellant a written acknowledgement of receipt of the complaint.

12.3 Review of Complaint

The NESC Executive Subcommittee shall review the complaint and determine within 20 calendar days of receipt of the complaint whether the appeal should be heard by an NESC Appeals Panel.

12.4 Appeal Panel

If the appeal is determined to have merit, the NESC Executive Subcommittee shall appoint an Appeals Panel. The Appeals Panel shall consist of at least three individuals, who have not been directly involved in the matter in dispute and who will not be materially or directly affected by any decisions made or to be made in the dispute. A majority of the members shall be acceptable to the appellant and a majority shall be acceptable to the respondent. The panel members shall choose a chair from among themselves. If the parties to the appeal cannot agree on a panel within 30 calendar days, the matter shall be referred to the NESC Executive Subcommittee, which shall appoint the remaining members of the Panel. If a panel member resigns or is removed from the panel at any time before the appeal hearing then the NESC Chair shall appoint a replacement who shall be subject to the acceptability criteria described above.

12.5 Appeal Hearing

The Secretariat shall schedule an “in person” hearing with the Appeals Panel on a date agreeable to all participants, giving at least 10 working days’ notice. The hearing may be held via teleconference, or other remote means, upon agreement of all parties. The name and affiliation of all speakers and any observers must be provided to the Appeals Panel a minimum of 20 calendar days in advance of the hearing. At the hearing, speakers are not permitted to make assertions about facts or issues not in the record.

12.6 Conduct of the Hearing

The appellant has the burden of demonstrating adverse effects, improper actions, and efficacy of the requested remedial action. Members of the Appeals Panel may address questions to individuals but the appellants and appellees may not ask questions of one another. Robert’s Rules of Order (latest edition) shall apply to questions of parliamentary procedure not covered herein.

Annex D of the NESC Procedures, Guidelines for the Conduct of NESC Appeals, shall be followed for conduct of an NESC appeal hearing.

12.7 Appeals Panel Decision

The Appeals Panel shall render its decision, based upon majority vote of the Appeals Panel (Appeals Panel members shall vote to find in favor of the appellant or the appellee and shall not abstain), in writing within 30 calendar days of the hearing, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision:

- 1) Finding for the appellant, with a specific statement of the issues and facts showing that one or more NESC procedures have been violated. In formulating its conclusions, the Appeals Panel may prescribe the remedy proposed by the appellant or may prescribe an alternative remedy; or
- 2) Finding against the appellant, with a specific statement of the issues and facts showing that appellant failed to meet its burden to demonstrate that one or more NESC procedures have been violated;
- 3) Finding that new, significant evidence has been introduced, and remanding the entire action to the appropriate committee for reconsideration.

The Appeals Panel Chair, through the NESC Secretary, shall notify the appellant and the appellee in writing of the decision of the Appeals Panel.

If an Appeals Panel member resigns or is removed after a hearing, then the remaining two or more members of the Appeals Panel may issue a decision if their decision is unanimous. If it is not unanimous, then the NESC Executive Committee shall appoint a replacement and a re-hearing shall be conducted.

13. Parliamentary Procedures

On questions of parliamentary procedure not covered in these procedures, Robert's Rules of Order (latest edition) may be used to expedite due process.

14. Patent Policy

NESC shall follow the ANSI Patent Policy as outlined in the ANSI Essential Requirements.

15. Commercial Terms and Conditions

The NESC shall comply with the ANSI Commercial Terms and Conditions Policy as outlined in the ANSI Essential Requirements.

16. Records Retention Policy

The NESC will comply with the IEEE Standards Association Records Retention Policy.

17. Metric Policy

The NESC shall follow the NESC Style Guide.

18. Antitrust Policy

The NESC shall follow the ANSI Antitrust Policy as outlined in the ANSI Essential Requirements.

Annex A

(Normative)

Classifications for the NESC Main Committee

- 1) CPR - Communications Private Sector. Organizations and associations that represent any category of communications in the private sector.
- 2) EPR - Electric Private Sector. Organizations and associations that represent investor-owned electric supply companies which own and/or operate distribution and/or transmission electric power facilities. These companies may or may not also own and/or operate electric generation facilities and other installations associated with the operation of these facilities.
- 3) EPU - Electric Public Sector. Government/Consumer controlled entities which provide or have interest in the generation, transmission and distribution of electric power and other installations associated with the operation of these facilities. These companies may or may not also own and/or operate electric generation facilities and other installations associated with the operation of these facilities.
- 4) CPU – Communications Public Sector. Government/Consumer controlled entities which provide or have interest in any category of communications in the public sector.
- 5) OU - Other Utilities (non-electric or non-communication). Organizations and associations that represent non-electric or non-communication utility companies. Such entities have a material interest in the safety provisions for overhead and/or underground electric and/or communication facilities and/or generation of electric power facilities.
- 6) ECL - Electric and Communication Labor. Organizations that represent the safety interests of workers who perform construction, maintenance or operation functions on overhead and underground supply lines, electric power stations and generation and communication facilities.
- 7) M - Manufacturers. Organizations that represent the interests of companies that manufacturer electric supply and communications equipment.
- 8) IEO - Independent Electric Operators. Organizations and associations which represent industrial and other facilities that may have onsite generation and also operate and maintain transmission and distribution facilities behind an interconnect point with the overall transmission or distribution grid. This category includes Independent Power Producers (IPP's), "Merchant Transmission" grids, industrial micro grids that self-generate some or all of their everyday power needs and distribute that energy within the complex. Campus type applications for universities, hospitals and others that self-generate and distribute energy beyond an interconnect point with the grid are also included.
- 9) I - Insurance Representatives. Insurance companies that underwrite a significant amount of work involving Code activities, and that have a material interest in the safety provisions for overhead and/or underground electric and/or communication facilities.
- 10) GOV - Consumer and Government. Organizations and bodies that may or may not have regulatory responsibilities, but represent the interest of the general public.
- 11) PS - Professional Societies. Recognized professional societies with national affiliations.
- 12) CEC - Consulting, Engineering and Construction. Organizations and associations that represent companies and individuals that provide consulting, engineering and construction services for the electric supply or communication industries.
- 13) IM - Individual Members. Chair and most recent past Chair (see Section 1.1).
- 14) O - Observers. Individuals and organizations having an interest in the Main Committee. Observers shall be advised of the Main Committee activities, may attend meetings and may submit comments for consideration. Observers shall have no vote on the Main Committee and do not count when considering balance of the Main Committee.

Annex B

(normative)

Classifications for the NESC Technical Subcommittees

The Principal members of NESC Technical Subcommittees 2, 3, 4, 5, 7, and 8 shall be classified into one of the following:

- 1) CPR - Communications Private Sector. Individuals employed, contracted by, or otherwise representing communication companies which own and/or operate communication facilities in the private sector.
- 2) EPR - Electric Private Sector. Individuals employed, contracted by, or otherwise representing investor owned electric supply companies which own and/or operate distribution, and/or transmission electric power facilities. These supply companies may or may not also own and/or operate electric generation facilities and other installations associated with the operations of these facilities.
- 3) EPU - Electric Public Sector. Individuals employed, contracted by, or otherwise representing Government/Consumer controlled entities which provide or have interest in the generation, transmission and distribution of electric power and other installations associated with the operations of these facilities. These supply companies may or may not also own and/or operate electric generation facilities and other installations associated with the operations of these facilities.
- 4) CPU – Communications Public Sector. Individuals employed, contracted by, or otherwise representing Government/Consumer controlled entities which provide or have interest in any category of communications in the public sector.
- 5) ECL – Electric and Communication Labor. Individuals employed, contracted by, or otherwise representing companies/organizations employing or representing the safety interest of workers who perform construction, maintenance, or operation functions on overhead and underground supply lines, electric power stations and generation facilities and communication facilities.
- 6) GOV –Government. Individuals employed, contracted by, or otherwise representing organizations or bodies that may or may not have regulatory responsibilities, but represent the interest of the general public.
- 7) CEC - Consulting, Engineering and Construction. Individuals employed, contracted by, or otherwise representing companies that perform consulting, engineering, and construction services for the electric supply or communication industries.
- 8) General Interest - will include individuals employed, contracted by, or otherwise representing organizations, associations or groups as defined below:
 - i) OU - Other Utilities (non-electric or non-communication). Individuals employed, contracted by or otherwise representing non-electric or non-communication utility companies. Such entities have a material interest in the safety provisions for overhead and/or underground electric and/or communication facilities and/or generation of electric power facilities.
 - ii) M - Manufacturers. Individuals employed, contracted by, or otherwise representing companies that manufacture electric supply and communications equipment.
 - iii) IEO - Independent Electric Operators. Individuals employed, contracted by or otherwise representing industrial and other facilities that may have onsite generation and also operate and maintain transmission and distribution facilities behind an interconnect point with the overall transmission or distribution grid. This category includes Independent Power Producers (IPP's), "Merchant Transmission" grids, industrial micro grids that self-generate some or all of their everyday power needs and distribute that energy within the complex. Campus type applications for universities, hospitals and others that self-generate and distribute energy beyond an interconnect point with the grid are also included.

- iv) I - Insurance Representatives. Individuals employed, contracted by or otherwise representing insurance companies that underwrite a significant amount of work involving Code activities and have a material interest in the safety provisions for overhead and/or underground electric and/or communication facilities.
- 9) Additional Classifications – These classifications are not counted toward consideration of subcommittee balance.
 - i) EM - Emeritus. Technical subcommittee members who have been active for at least two Code cycles but no longer meet the requirements of another classification category and who are individuals with recognized technical knowledge/skills considered of value to a subcommittee. This category is intended to preserve continuity within the technical subcommittees as members retire and are replaced, and to provide a valuable source of information for lesser experienced members. Participation at Code writing meetings is a condition for maintaining membership. Emeritus members shall be subject to the same membership approval process by the Executive Subcommittee outlined in Section 5.3.

Members in this category may participate in all technical subcommittee activities with the exception that they shall have no vote on any subcommittee, and may not hold a subcommittee chair or secretarial post.

Members having Emeritus status and applying to acquire categorization in CEC as a consultant, shall provide currently dated documentation as outlined in Section 5.3.1, including information as to professional activities since entering the Emeritus status.

- ii) O - Observers. Individuals and organizations having an interest in any subcommittee may request listing as observers. Observers shall be advised of the subcommittee activities, may attend meetings and may submit comments for consideration. Observers shall have no vote on the subcommittee, and may not hold a subcommittee chair or secretarial post.

Annex C

(normative)

Accredited Standards Committee Agreement between the IEEE Standards Association (IEEE-SA) and the National Electrical Safety Code Committee

Operating Procedures of the ANSI Executive Standards Council, recommend a written agreement between a Secretariat and a consensus body addressing the following operational items. The IEEE and the National Electrical Safety Code Committee have incorporated the following clarifications regarding the respective roles and responsibilities of the Secretariat and the NESC into the NESC procedures as a Normative Annex.

C.1 The nature of the accreditation and under what circumstances the Secretariat and the consensus body can separate. If they separate, include the status of the accreditation.

The Secretariat and consensus body, the NESC Committee, jointly hold the accreditation of the NESC Committee. Any change in the Secretariat-Consensus Body Relationship within an ANSI-Accredited Standards Committee shall be in accordance with Operating Procedures of the ANSI Executive Standards Council, Annex A.

C.2 The specifics of any co-secretariat arrangements

The IEEE-SA is the sole Secretariat to the NESC Committee; there is no co-secretariat arrangement.

C.3 The procedures by which an ASC is terminated

NESC Procedures, Section 2.9.4, Actions Requiring Approval by Two-Thirds of Those Voting, state that a letter ballot or equivalent formal recorded vote, with approval by at least a majority of the membership and at least two-thirds of those voting, excluding abstentions, shall be required for a vote of approval of termination of the Main Committee.

C.4 Responsibility for revisions to the ASC procedures, title and scope

NESC Procedures, Section 2.9.4, Actions Requiring Approval by Two-Thirds of Those Voting, state that a letter ballot or equivalent formal recorded vote, with approval by at least a majority of the membership and at least two-thirds of those voting, excluding abstentions, shall be required for a vote of approval of:

- Adoption of Main Committee procedures, categories of interests, or revisions thereof;
- Approval of change of the Main Committee scope;
- Approval of termination of the Main Committee.

C.5 Responsibility for and decisions regarding the publishing of the standards, revisions, and addenda (see Sections 4.2 and 4.3 of the ANSI Procedures);

The NESC has historically been published on 1 August of the year preceding its effective date; i.e., 1 August 2016 for the NESC 2017 Edition. This publication date has usually occurred within one month of ANSI approval. The IEEE and the NESC Committee intend for this publication schedule to remain the same, indefinitely.

C.6 Who holds the copyright on Contributions, drafts and approved American National Standards, and determines any royalty or exploitation rights arrangements or licensing arrangements.

The IEEE is granted, as a condition for participation, an irrevocable license for all Contributions to the NESC, and is the copyright owner of any NESC draft or approved American National Standard.

The following applies to all Contributions submitted to the National Electrical Safety Code:

The term “Contributions” shall include, but not be limited to, recorded verbal submissions, written text, graphics, illustrations and any other copyrightable material which are submitted as a contribution to the National Electrical Safety Code project, including all comments, drafts and editorial modifications. This does not grant any rights to the IEEE in ideas, patents, trademarks, concepts, methods, processes and procedures embodied in the Contributions.

The right granted for use of a participant’s Contributions is non-exclusive, unconditional, irrevocable, perpetual, world-wide, and royalty-free. The IEEE is allowed to use the Contributions, in whole or in part, in any form, format or media now known or hereinafter developed, in connection with the Work Product or any standards related products and services. The IEEE is the exclusive owner of the copyright in the Work Product, and can create, use and distribute derivative works based on the Work Product. The IEEE is the exclusive owner of any derivative works based on the Work Product. Additionally, the IEEE may freely sublicense or assign the Work Product and derivative works to any third party in connection with the use, distribution or publication of standards related products and services.

C.7 Whether the Secretariat or consensus body will or will not, and to what extent, provide indemnification in connection with potential liabilities arising out of their standards development process and any approved American National Standards resulting therefrom

The IEEE does not provide indemnification to the membership of the NESC Committee. IEEE Bylaw I300.3 affords the opportunity for indemnification only for duly authorized volunteers for duly authorized IEEE activities (i.e., an activity that follows IEEE policies and procedures, including those for the development of standards). As such, IEEE indemnification does not extend to NESC activities.

C.8 Who determines the scheduling of consensus body meetings (i.e., frequency and location) and the review/revision cycle of American National Standards

The Chair, the Executive Subcommittee, the Secretariat, or a petition of five or more members of the Committee may call a special meeting of the NESC.

The NESC Committee, in conjunction with the Secretariat, shall consider the review/revision cycle of the National Electrical Safety Code, if necessary. The NESC Committee shall vote by either letter ballot or equivalent formal recorded vote on any changes to the revision cycle, with approval required by at least three-quarters of the membership.

C.9 How the ASC's activities will be funded.

If funding activities are necessary, the activities will be covered in a separate business agreement between the IEEE and the ASC.

C.10 The conditions under which an ASC accepts proprietary standards for consensus approval (i.e. copyright, maintenance, funding, etc.)

This is not applicable to the NESC Committee. The NESC Committee only develops one standard, the National Electrical Safety Code. It does not accept other standards for consensus approval as NESC standards.

C.11 Dispute resolution (i.e., utilize a neutral mediator or forum, meetings between the Secretariat and members of the consensus body; etc.)

If a dispute arises, a special meeting between the Secretariat and members of the consensus body may be called to provide resolution.

Annex D

(informative)

National Electrical Safety Code Guidelines for the Conduct of NESC Appeals

Note: See Section 12 Appeals

D.1 Conduct of the Hearing

- a) The number of participating (i.e., speaking) representatives for each of the parties to the appeal is limited to a maximum of three. Other individuals may attend the hearing, but will not be permitted to address, or be addressed by, the Appeal Panel or either of the parties to the appeal at any time (including during the question and answer period).
- b) No recordings or verbatim transcriptions of the hearing are allowed, except by the National Electric Safety Code (“NESC”) at its sole discretion.
- c) The Appeal Panel may call an Executive Session before, during the course of, or following an appeal hearing to consider its action on a specific appeal.
- d) No party to an appeal may communicate with any member of the Appeal Panel regarding the appeal, while the matter is pending (i.e., from the time of filing of the appeal brief to finalization of the appeals process).
- e) The appellant has the burden of demonstrating adverse effects, improper action(s) or inaction, and the efficacy of the requested remedial action(s). The appellee has the burden of demonstrating that the NESC and the IEEE-SA, as the Secretariat of the NESC, took all actions in compliance with the NESC’s Policies and Procedures. Participants in the appeal are not afforded an opportunity to question each other during the appeal hearing which means they may not cross examine one another. Each party may adduce pertinent arguments, and members of the Appeal Panel may address questions to the appellant and appellee. The Appeal Panel shall only consider documentation included in the appeal brief and reply brief, unless
 - 1) Significant new evidence has come to light; and
 - 2) Such evidence reasonably was not available to the appellant or appellee, as appropriate, at the time of filing; and
 - 3) Such evidence was provided by the appellant or appellee, as appropriate, to the other parties as soon as it became available.
- f) Prior to the hearing, the members of the Appeal Panel convene to review the ground rules before the participants appear.
- g) General Format for Appeal Hearings

(Chair’s Remarks)

The Chair should call the hearing to order and allow the panelists and attendees a chance to introduce themselves.

May I have your attention? I would like to call the _____ o’clock appeal hearing to order. My name is _____, and I am the Chair of this Appeal Panel Hearing. Before we start I would like to have everyone introduce themselves with name and entity affiliation starting to my (left/right).

[SELF INTRODUCTIONS]

Thank you. I would like to take a moment and explain the protocol for this hearing.

Only three speakers are permitted per side. Other individuals may attend the hearing, but will not be permitted to address or be addressed by the panel or the appellants and appellees, including during the question and answer period. No recordings or verbatim transcriptions of the hearing are allowed.

Any notes taken by Appeal Panel members are for their use only and will not be available for dissemination.

The appellant side speaks first. The appellant(s) is/are granted a total of one half hour to make their presentation. The appellant(s) may choose to reserve a portion of their time for rebuttal.

The appellee side is granted one half hour in which to speak. They may reserve a portion of their time for rebuttal. The Appeal Panel Chair, or someone appointed by the Chair will monitor the time.

During the presentations, Appeal Panel members are requested not to interrupt the speakers. If clarification of a point is necessary, the time used to respond to the Appeal Panel member shall not be deducted from the allotted time of the participant.

Members of the Appeal Panel shall not articulate their opinions concerning the issue before them during the actual hearing. Following the formal presentations of the speakers there will be a question and answer period. Any member of the Appeal Panel will be permitted to question any of the participants.

Participants in the appeal are not afforded an opportunity to question each other during the appeal hearing.

Once the Appeal Panel members have no additional questions, the participants will be excused and the Appeal Panel will enter Executive Session. Participants should not wait for a decision immediately after the hearing. The written decision will be sent to all participants as soon as it's available. Once issued, the written decision is complete and final after thirty (30) days of issue. Participants shall not contact any members of the Appeal Panel while the decision is pending.

The Appeal Panel Chair may remove anyone who does not conform to these rules. Any questions? Let's now proceed with the appellant(s) presentation.

[Follow Appeal Panel Agenda]

Any final questions? I want to thank all individuals who took the time to attend this hearing.

As I mentioned earlier, the written decision will be sent to all participants as soon as it's available, and participants should not contact any members of the Appeal Panel while the decision is pending.

We will now take a brief recess to allow the Appeal Panel to enter Executive Session. Again, thank you.

[RECESS]

- h) Once the participants have been excused, the Appeal Panel members will enter Executive Session. A written decision will be prepared by the Chair (or the Chair's designate) in accordance with the direction and decision of the Appeal Panel. The Appeal Panel shall review the draft decision. No decision shall be distributed to the participants until approved by a majority of the Appeal Panel.

D.2 Appeal Panel Decision

- a) The Appeal Panel shall not consider technical issues or make findings with respect to ethical rules but shall limit its consideration to procedural matters. The Appeal Panel shall render its decision, based upon majority vote of the Appeal Panel (Appeal Panel members shall vote to find in favor of the appellant or the appellee and shall not abstain) in writing within 30 days of the hearing, stating

findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision:

The appellee has the burden of demonstrating that the NESC and the IEEE-SA, as the Secretariat of the NESC, took all actions in compliance with the NESC's Policies and Procedures.

- 1) Finding for the appellant, with a specific statement of the issues and facts showing that one of more NESC procedures have been violated. In formulating its conclusions, the Appeals Panel may prescribe the remedy proposed by the appellant or may prescribe an alternative remedy; or
- 2) Finding against the appellant, with a specific statement of the issues and facts showing that appellant failed to meet its burden to demonstrate that one or more NESC procedures have been violated;
- 3) Finding that new, significant evidence has been introduced, and remanding the entire action to the appropriate committee for reconsideration.

The Appeal Panel Chair, through the Secretary, shall notify the appellant and the appellee, in writing of the decision of the Appeal Panel.

- b) If an Appeal Panel member resigns or is removed after a hearing, then the remaining two members of the Appeal Panel may issue a decision if their decision is unanimous. If it is not unanimous, then the NESC Chair shall appoint a replacement from the appeals pool and a re-hearing shall be scheduled by the NESC.

D.3 Informal Settlement

The NESC encourages settlement of disputes at any time if the settlement is consistent with the objectives of the NESC Policies and Procedures. Any settlement (to which the parties agree in writing) that is consistent with the NESC's Policies and Procedures, or an agreement to withdraw the appeal, will terminate the appeal process.

D.4 Further Appeal

Refer to ANSI Essential Requirements latest edition regarding the right to appeal.