



Inquiry: #2010-01

Subject: Electrical Utility Exemptions from the Minnesota State Building Code

Code: 2007 Minnesota State Building Code (MSBC)
Minnesota Rules Chapter 1300 – Administration of the State Building Code
Minnesota Statute 326B
Minnesota Rules Chapter 1315 – Electrical Code
2008 National Electrical Code (NEC)
National Electrical Safety Code (NESC)

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SH 12.9.10

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Question: (rephrased) Are electrical utility company construction projects exempt from the requirements of the Minnesota State Building Code (all Rule Chapters that make up the MSBC)? If they are, to what extent are they exempt?

Answer:

The general answer to this question is “no.” Minnesota Statute 326B.36, Subdivision 7(2) exempts electrical utilities from electrical permits and electrical inspection under stated scenarios. The exemption however, is from “inspection,” but not from the safety standards themselves. The NEC or the NESC applies as determined by the scope included in the documents. NEC Section 90.2(B)(5) further identifies what is not covered by the NEC. Generally, the exemption from inspection applies to electrical generation, transmission, and distribution of electrical energy on the utility side of the service point. The exemption however, would not apply to something like an office building that is used by the electrical utility company wherein the building is not an integral part of the electrical generating equipment. The NESC typically applies to the transmission and distribution system.

You’ll find similar provisions within the scoping section of the MSBC, under MN Rule Chapter 1300, Administration, Section 1300.0040 Scope, where the code states in part, that work done in a public right-of-way, and public utility towers and poles are specifically exempt from the building code. No other forms of construction are exempt, regardless of who owns or operates a building or structure.

The exemptions (from permit requirements, inspections, and/or the MSBC code itself) apply to those electrical utilities located within a public right-of-way and those parts of an electrical utility transmission process/plant that are installed for the generation of electricity. Other buildings and structures, including equipment footings and foundations, and buildings enclosing electrical generation equipment, along with pertinent building service equipment (as defined in MN Rule Chapter 1300, Section 1300.0070, Subdivision 6) are all specifically regulated by the MSBC, and are subject to required permitting and/or inspection per the applicable code/rule.