

**Board of Electricity
Minutes
Tuesday, August 16, 2011 at 9:00 a.m.**

Members Present:

Andy Toft
James Freichels
Jeffrey Slimmer
Joe Vespa
John McConnell
John Schultz
Kim Huxford
Laura Karow
Mike McGowan
Timothy Malooly
William Hoskins

Members Absent:

Daniel Klein
Douglas Fingerson

DLI Staff & Visitors:

Assist. Comm. Jessica Looman
Bill Bierman, DLI Attorney
Bill Heaney, IBEW
Brad Boos, APi Electric
Carey Demaris, DLI
David Fisch, MNESTA
David Moeller, MN Power
Duane Stangler, MN Power
Gary Thaden, NECA
Jeff Tyllia, APi Electric
Jerry Gustofson, Easton Corp
Jim Nimlos, Mpls. JATC
John Ploetz, MICA
Ken Ogston, MN Power
Scott Nutting, CEIA
Todd Lyden, APi Electric

I. Call to Order

The meeting was called to order at 9:07 a.m. by Chair Vespa. Introductions were made and attendance was taken, a quorum was declared. Housekeeping announcements were given by Schultz.

II. Approval of Meeting Agenda

Freichels made a motion, seconded by Malooly to approve the agenda as presented. The vote was unanimous. Motion carried.

III. Approval of Previous Meeting Minutes

It was noticed that Klein was not listed in attendance for the April 12, 2011 meeting. The attendance record was reviewed and verified Klein signed in. A motion to approve the minutes amending Klein in attendance was made by Malooly, seconded by Huxford. The vote was unanimous. Motion carried.

IV. Regular Business

- a. Expense Approval – Vespa reviewed and approved the per diem and expenses. A motion made by McConnell, seconded by Malooly to approve per diems and expenses. The vote was unanimous. Motion carried.

- b. Enforcement - No report

V. Special Business

- a. Bylaw Amendment: Bill Bierman, Department attorney assigned to the Board, proposed an amendment to the bylaws regarding timing of “annual meeting”. He referred to the handout, page 2 of the bylaws;

Article V. Meetings (Clause C) - Annual Meeting is amended to read as follows: ***The annual meeting of the board shall be the first meeting each state fiscal year.*** He stated in order to amend the bylaw a voice vote was needed with a membership majority. A motion to approve the amendment was made by Freichels, seconded by Malooly. The vote was unanimous. Motion carried.

- b. Election of Officers: The meeting was turned over to John Schultz, Commissioner’s Designee for election of officers.

Chair - Toft nominated Vespa. There were no other nominations. Majority vote unanimous, Vespa was re-elected as Chair.

Vice-Chair - Freichels nominated Toft. There were no other nominations. Majority vote unanimous, Toft was re-elected as Vice-Chair.

Secretary - Huxford nominated Malooly. There were no other nominations. Majority vote unanimous, Malooly was elected as Secretary

The meeting was turned back over to re-elected Chair Vespa.

- c. Update on Reciprocal Agreements - Schultz stated the State of Montana accepts the Reciprocal Agreement with the State of Minnesota. He so moved the Board to enter into the agreement. Freichels made motion, seconded by Slimmer to accept Montana. The vote was unanimous. Motion carried.

Schultz stated that the request to enter into a Reciprocal Agreement with the State of Colorado has been received. Freichels motion to accept Colorado, seconded by Hoskins. The vote was unanimous. Motion carried.

It was also mentioned that an invitation from Arkansas was received requesting to enter into agreement at the journeyman level. Schultz presented a spreadsheet of reciprocal electrical apprentice and journeyman requirement comparison for the Board to review. There was discussion on continuing education requirements, duration, multi-state

agreement, and exams. Freichels made motion to send Arkansas an agreement with Minnesota's language, seconded by Malooly. Vote unanimous. Motion carried.

Schultz also mentioned he attended the NERA annual meeting in Des Moines Iowa. Overall, states have been in acceptance of the alliance and resulting agreements.

- d. 2011 National Electric Code - Schultz advised there was a delay in part of the state shut down. The 2011 NEC is now effective as of August 8, 2011.
- e. Request for formal interpretation - Schultz started by framing the authority of the board and reviewed 326B.32, Subd. 2, (4) review requests for final interpretations and issue final interpretations as provided in section 326B.127, subdivision 5; The Board of Electricity has final interpretative authority applicable to the State Electrical Code and shall review requests for final interpretation made to the board that relate to the State Electrical Code. Bierman concurred.

David Moeller, Attorney for Minnesota Power, gave an overview of the facility. In accordance with the NEC, the facility follows the NEC with installations, operations and maintenance of the buildings that do not fall under the NESC (customer service centers/corporate headquarters) which are subject to inspections. However, the generation facility properties always have and continue to follow the NESC during installation, operation and maintenance of the facilities. He stated the NESC covers utility facilities and function up to the service point and noted the NEC covers utilization wiring requirements beyond the service point. Moeller stated that Minnesota Power believes that its Boswell Energy Center is fully exempt from state electrical inspection under the NEC and qualifies as a "not covered" facility as defined under section 90.2(B)(5)(c). He further stated Minnesota Power meets the specific exemption requirements under Minn. Stat. § 326B.36, subd.7 (2).

Ken Osgton with Minnesota Power answered many questions brought forth by the Board on the location and operation of the facility. Schultz referred to the NEC 2011 Edition language, 90.2 Scope. (A) Covered and (B) Not Covered. Todd Lyden with APi Electric clarified the integral part of the generating plant. There was discussion on the service point defined in the NEC and NESC. There were handouts referring to the NEC and the NESC along with photographs of Minnesota Power facility. Department Electrical Area Representative

Wayne “Chip” Jespersen addressed the Board giving an explanation of the enforcement letter issued. Scott Nutting addressed the group confirming previous inspections on site. He asked the Board to assist in defining or deciding if such facilities should be inspected or not because fine line on the service points and premises wiring.

Jeffrey Tyllia, Vice President of APi Electric asked for a moment to speak with Minnesota Power. Chair Vespa paused at 11:05 a.m. The meeting resumed at 11:25 a.m.

Schultz reviewed with the Board Section 1. Introduction to the National Electrical Safety Code 011.Scope (B) *The NESC covers utility facilities and functions up to the service point. NOTE: The NEC covers utilization wiring requirements beyond the service point.* He believes the NEC does apply to the facility based on provisions. There was further discussion from APi and Board members regarding whether or not the NEC applies to wiring on an electrical utility premises that is not used exclusively for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electric energy as provided in NEC (2008) section 90.2(B)(5)(c).

A motion made by Slimmer - The NEC covers installation used by the electric utility, such as office buildings, warehouses, garages, machine shops, and recreational buildings, that are not an integral part of generating plant, substation, or control center. **NEC section 90.2 (A)(4) is clarified by the following statement: *Except for the wiring that controls utility function under its exclusive authority, premises wiring that is part of a multi-purpose building is covered by the NEC.*** This motion was seconded by Hoskins. McConnell moved to vote. The motion passed by a majority vote.

VI. Committee Reports

- a. Construction Code Advisory Councils - McConnell advised that CCAC met June 16, 2011 where the model code adoption cycle was reviewed.
- b. Legislative update - Schultz gave update on the continuing education requirements and fees. It was mentioned the new licensing system will be deployed in October. He also advised that during the state shut down, several cities have adopted a permanent local inspection process which will cost the Department future revenue.

VII. Complaints

None brought forth

VIII. Open Forum

Nothing was discussed

IX. Board Discussion

The members welcomed Laura Karow to the Board.

X. Announcements

Vespa advised members of the next regularly scheduled meetings which are:

- Tuesday, October 11, 2011 at 9:00 a.m.
- Tuesday, January 10, 2012 at 9:00 a.m.

XI. Adjournment

A motion was made by Hoskins, 2nd by McConnell to adjourn. The vote was unanimous, motion carried and the meeting adjourned at 1:23 p.m.

Respectfully Submitted,

Timothy Malooly

Timothy Malooly, Secretary