CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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September 21, 2010
Start: 10:30 am
Recess: 12:52 pm

HELD AT: Committee Room
250 Broadway, 14th Floor

B E F O R E:
ERIK MARTIN DILAN
Chairperson

JOEL RIVERA
ROSIE MENDEZ
Acting Chairpersons

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Erik Martin Dilan
Gail Brewer
Leroy G. Comrie, Jr.
Elizabeth Crowley
Lewis A. Fidler
Robert Jackson
Letitia James
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Melissa Mark-Viverito
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Joel Rivera
Jumaane D. Williams
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Fatma Amer
First Deputy Commissioner
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Treasurer/Financial Recording Secretary
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Richard Windram
Director of Government Affairs
Verizon New York

CHAIRPERSON RIVERA: Good morning ladies and gentlemen. My name is Joel Rivera. I'll be sitting in for Chairman Erik Martin Dilan, as he is the chairman of the Housing and Buildings Committee, but he is stuck in traffic. Thank you for attending to today's hearing, relating to updating the New York City Electrical Code.

The Council is concerned about keeping the Electrical Code current and updated. Intro 64 would update the current Electrical Code by adopting the 2008 version of the National Electrical Code or NEC, along with some New York City specific amendments.

The Council first adopted the 1999 version of the National Electrical Code, or NEC, as Local Law 64 in 2001. Because the electrical code at that had not been significantly revised in several decades, Local Law 64 provided for the periodic updates to the code and mandated review of each new version of the NEC, which is published approximately every three years.

Thus, by adopting the 2008 NEC, along with some amendments, Intro 64 would make several important technical and administration

upgrades to the Electrical Code. The proposed principle administrative amendments to the code include: one, outlining licenses, business requirements; two, authorizing the suspension of electrical permits without notice in cases of imminent peril to life or property; and three, adopting enforcement provisions of Title 28 including the authority to have the Environmental Control Board adjudicate violations for infractions of the Electrical Code; four, authorizing the commissioner of Buildings to impose certain disciplinary actions on certain conditions; and five, granting the commissioner rule making authority.

The main technical amendments to the Electrical Code that are being proposed relate to the transmission of electricity for light, heat, power, signaling, communication, alarm and date transmission that take into account outdoor use and other relevant conditions including: one, defining the arrangement of wiring selective coordination, to prevent or minimize short circuiting and arc faults; two, adopting fire alarm system requirements for power and wiring as

elements of the 2010 Electrical Code which were previously in the Building Code; and three, requiring that sidewalk shed lighting installations must comply with electrical requirements; and four, require solar photovoltaic systems to be approved for use by a national recognized testing laboratory and requiring that a detailed diagram of the entire photovoltaic system must be available to the Department of Buildings.

The 2008 NEC, together with these local amendments, are to be known as the Electrical Code Technical Standard, ECTS, and will apply to work performed on and after January 1st, 2011.

However, through December 31st, 2010, electrical work may be performed either in accordance with the ECTS adopted pursuant to Section 27-3024 of the Administrative Code of the City of New York or in accordance with the standards set forth in Chapter 3 of Title 27 of the Administrative Code as in effect prior to July 1st, 2010 at the option of the licensed master or special electrician or other authorized person performing such work.

The committee is interested in learning about the particulars of each proposed change including how the changes specifically related to life in New York City as well as the operations of various agencies and workers. The committee expects to hear testimony from the Department of Buildings, various professionals related to the electrical fields and concerned members of the public.

But before we begin, let me introduce the members who have joined us here today. We have, to my far left, Council Minority Leader Jimmy Oddo, Council Member Gale Brewer, and Council Member Elizabeth Crowley. To my right we have Council Member Tish James, Council Member Lew Fidler, Council Member Rosie Mendez, Council Member Melissa Mark-Viverito and Council Member Jumaane Williams. We also have here the counsel to the committee Baaba K. Halm, Laura Rogers, legislative attorney and Benjamin J. Goodman, senior legislative policy analyst.

The first two that we'll be hearing from today will be Fatma Amer, First Deputy Commissioner for the Department of Buildings and

Chantal Senatus, Assistant General Counsel for the Department of Buildings as well. Thank you. You may begin.

[Pause]

FATMA AMER: And Chantal Senatus, the Department's Assistant General Counsel in charge of the legal review of the Electrical Code.

Thank you for this opportunity to testify today in support of Intro 64, regarding the 2010 Electrical Code. We are pleased to work with you in implementing the amendments to the Electrical Code that will reflect technological advances and facilitate operational changes for the department.

Adopted in 1915, the New York City Electrical Code was the first set of codified electrical standards in the United States. At that time, the code was a modern and forward-thinking set of standards that provided a safe and uniform means for harnessing electricity. However, as time passed, the electrical code became increasingly unwieldy, outdated and difficult to implement.

In 2001, the department and private

sector committed to updating the Electrical Code. With the Council's support, Local Law 64 of 2001 was passed, addressing the shortcomings of the Electrical Code by replacing its technical provisions with the 1999 National Electrical Code, NFPA 70. That legislation required a three year revision cycle so as to ensure that the code will always be up to date and reflect the latest standards.

It was followed by Local Law 41 of 2002, a prerequisite to implementing the new Code, as it adopted amendments tailoring the National Electrical Code, otherwise known as NEC, to the specific needs of city's high dense urban environment. The first revision in this new scheme was Local Law 81 of 2003. The second was Local Law 49 of 2006. And Intro 64 of 2010 will be the third.

The department supported committees that served as the vehicle for the three-year revision cycle and the source of the proposed local amendments. The Electrical Code Revision and Interpretation Committee has a technical focus, managing the work of six panels covering

every chapter of the NEC. The Electrical Code Advisory Committee served as the managing committee for the process, reviewing the product of the Administrative Panel as well as the technical provisions approved through the Electrical Code Revision and Interpretation Committee.

In forming these committees and panels, the department included members from every area of the electrical industry, electrical contractors, engineers, inspectors, manufacturers, utilities and solar, so that a comprehensive product could be created. We at the department appreciate their time and contributions to this extraordinary effort.

In January 2008, the committees started the process of reviewing the NEC 2008 and the administrative provisions of the code. The amendments resulting from their review form the basis of Intro 64. I am very proud to say that these amendments constitute a consensus base document and modify the NEC 2008 with consideration to the unique characteristics of New York City.

The members of the committees, including the representatives of the electrical contracting associations, were sent final drafts of the proposed legislation on four occasions, the first after our final meeting in January 2009 and the last in April of this year.

The proposed legislation would amend the administrative code to adopt the NEC 2008 with amendments, creating distinctive requirements for building and construction in New York. This legislation would recognize important advances in technology and materials made in the past few years and allow the administrative provisions to conform to changes made under the Department's 2008 Construction Codes, leading to consistency for all department licensed trades.

Given the nature of the adoption process, the majority of our amendments to the NEC 2008 are consistent with changes made to previous editions of the NEC, which is also on a three-year revision cycle. For instance, the NYC Electrical Code has required that the minimum size of wiring be 12 gauge rather than the 14 gauge under the NEC. This amendment promotes safety by requiring

larger wiring that is more durable and has a higher maximum amperage.

Another example is the NYC Electrical Code's limitation on the use of liquid tight, flexible, nonmetallic conduit as a wiring method because this type of wiring does not offer sufficient protection of circuitry from physical damage.

This bill also, among the items that was mentioned by Councilman Rivera, that would remove our previous amendment requiring that completed photovoltaic system assemblies be tested by a Nationally Recognized Testing Lab and now simply the new change would require that the contractor make available to the department a detailed diagram of the entire photovoltaic system installed. This change facilitates the installation of solar panels and promotes the use of solar energy by deceasing costs.

This bill also would authorize the suspension of electrical permits without notice in cases of imminent peril to life or property. It defines the arrangement of circuit wiring, known as selective coordination, to prevent or minimize

short circuiting and arc-faults. It adopts Fire Alarm System requirements for power and wiring as currently required by the New York City Building Code.

It mandates that fire pumps and limited service fire pumps have over-current protection to allow the operation of a fire pump for as long as possible in an emergency.

It defines electrical closets as dedicated to electrical distribution equipment and sizes the electrical closet to provide sufficient working space. It clarifies the requirements of essential electrical systems for healthcare facilities to create an increased measure of safety by requiring additional transfer switches so that emergency systems continue to operate using emergency power.

It clarifies the requirements for the installation of sidewalk shed lighting to take into consideration electrical provisions relating to outdoor use and other relevant conditions. It clearly outlines licensees' business requirements for public transparency.

Enactment of this bill will

continue the modernization process we started with Local Law 64 of 2001 and will ensure that New York City's Electrical Code is updated to recognize and regularly implement technical changes. These updates are essential, not only to keeping up technologically but to creating and maintaining safe practices for electrical installations.

Passage of this bill will also affirm the partnership we have developed between the private and public sectors, both dedicated to making New York City a safer place to live, work and build.

Thank you once again for your continued support of the department's effort to standardize all construction codes, including this code, and for holding this hearing and allowing me to testify in support of Intro 64. We would be happy to address any technical or otherwise any questions.

CHAIRPERSON RIVERA: Thank you very much. Before I proceed with my questions, do we have any questions from committee members? Council Member Gale Brewer?

COUNCIL MEMBER BREWER: [off mic]

CHAIRPERSON RIVERA: Just wanted to get some clarity on the outlines licensees' business requirements for public transparency. Can you go further into that?

FATMA AMER: Public transparency, as every requirement for all the other trades, that it would be online, that changing of the addresses would be known and would be online like all the other trades.

CHAIRPERSON RIVERA: That's all for me for now. Council Member Gale Brewer?

COUNCIL MEMBER BREWER: This is not a topic that I know anything about. You have a lot of cables coming in from Verizon and Cablevision and Time Warner and other new entrants into the system. I know cable, for instance, we just got a new franchise. How do any of what they do, if at all, impact this new code? They're doing a lot of laying of cable too. I mean they're doing their own. I assume there's some complement to what the electrical cable is.

FATMA AMER: The restrictions in the code were always about the use of electric closet for cables other than electrical. However,

we are working with these groups to find a solution that would promote their industry and not impact them in any negative way.

COUNCIL MEMBER BREWER: So in other words, it's a lot of ongoing conversation.

FATMA AMER: Absolutely.

COUNCIL MEMBER BREWER: I know this is going to sound funny, but how do you deal with bed bugs? They do travel between apartments and is there any kind of training that goes on regarding electrical connections?

FATMA AMER: Through the holes that conduits?

COUNCIL MEMBER BREWER: I know you're laughing.

FATMA AMER: No, I don’t think it's a laughing matter.

COUNCIL MEMBER BREWER: Neither do I, but my colleagues are laughing.

FATMA AMER: The Building Code, of course, has limitation on what we can do. I don’t think it's about bed bugs. But from a fire safety point of view, any penetrations through slabs or through walls have to be fire stopped. Meaning

there is another material that goes around the cable to really tightly close that hole.

COUNCIL MEMBER BREWER: So that's being emphasized?

FATMA AMER: We're doing it in terms of fire protection.

COUNCIL MEMBER BREWER: But it's being emphasized due to this other challenge? In other words, it needs to be incredibly pushed, advocated for because of this other creature. Thank you.

CHAIRPERSON RIVERA: Thank you very much. I just wanted to follow up. Do any other members have any questions? We've also been joined by Council Member Eric Ulrich and Council Member Leroy Comrie. This bill also authorizes the suspensions of electrical permits without notice in cases of imminent peril to life or property. Can you also go further into that?

FATMA AMER: This is actually a requirement. Again, this bill emphasizes consistency and standardization of the department practice. This is to be consistent with the code powers of the commissioners with all other

licensed trades by the department.

CHAIRPERSON RIVERA: Just for clarification, this is the authority the department has for other licensees as well?

FATMA AMER: Has?

CHAIRPERSON RIVERA: For other licensees as well?

FATMA AMER: Yes.

CHAIRPERSON RIVERA: In reference to the administrative provisions, can you identify the administrative changes proposed by this bill and why the DOB believes these changes are necessary?

FATMA AMER: Why these?

CHAIRPERSON RIVERA: Why these changes are necessary?

FATMA AMER: Are necessary?

CHAIRPERSON RIVERA: Yes.

FATMA AMER: I think all the changes, if I can say that to the administrative provisions, is to bring the Electrical Code to be consistent with the Title 28 of the Construction Codes. It's nothing different. It does not bring any new things specifically to the electrical

trade but to make it consistent with the other trades.

CHAIRPERSON RIVERA: With respect to the license of New York continuing education courses currently required, does the department intend to impose such a requirement? Why does the proposed legislation reduce continuing education courses from ten hours to eight hours?

FATMA AMER: There is currently a draft rule addressing the continuing education classes. Again, it is the consistency with the other trades, because it's required for plumbers and other trades.

CHAIRPERSON RIVERA: Can you please describe the disciplinary changes that are being proposed and why these changes are necessary?

FATMA AMER: The disciplinary changes? For example, the failure to pay outstanding fees, as an example or the making of material false or misleading statement or impeding or obstructing the filing of a statement, this language is exactly as required for all the other trades. Again, it's bringing the administrative provisions of the Electrical Code consistent with

the administrative provisions of the construction codes.

CHAIRPERSON RIVERA: Has the department promulgated rules on qualifications for low voltage installers?

FATMA AMER: No.

CHAIRPERSON RIVERA: No? Do you intend to promulgate rules?

FATMA AMER: I think this is part of the ongoing discussion.

CHAIRPERSON RIVERA: Will we be made once they're promulgated?

FATMA AMER: Absolutely.

CHAIRPERSON RIVERA: Thank you. If this bill is passed, when would the new Electrical Code apply to work performed in the city? By 2011, you said, January 1st?

FATMA AMER: January 1st, 2011.

CHAIRPERSON RIVERA: Now, on the technical amendments, the proposed New York City amendments to the NEC defined coordination selective, definitely from the definition used by the National Electrical Code, what is the selective coordination?

FATMA AMER: Selective coordination is, and I think Jack can say it better than me, but it is something as simple as all the safety controls in a circuit to be coordinated in timing. This way one doesn't trip a building. It's like if you have a fire pump, every time the fire pump starts, you don't want it to trip the entire and short circuit the entire building and you would lose power. I mean that's by providing fuses and circuit breakers to coordinate the sequence of the activities on the circuit.

JACK BUNK: That's exactly the way it's done.

CHAIRPERSON RIVERA: Pardon me, sir, can you introduce yourself for the record? Make sure the microphone is on. Just press the button.

LOUIS BUNK: My name is Louis Bunk and I'm a technical coordinator for the Department of Buildings. I'm a past director and longtime chairman of the Code Committee, the Electrical Code Revision Committee, also retired from that position.

Electrical coordination is just a

systems design that provides that the fuse nearest the fault will blow first without taking out fuses further back in the circuit and causing a major outage.

CHAIRPERSON RIVERA: Why does the city's definition of such work differ from the NEC and why is this change necessary?

LOUIS BUNK: Well, we've required coordination to some degree for years and years, I don’t know, going back long before I started with the department. We required it on large services. We've established a threshold now. We've expanded it somewhat but we've established a threshold which allows circuit breakers as well as fuses to be used to coordinate. It gives the contractor a choice to how much he's going to spend and to how he's going to design his finished job.

CHAIRPERSON RIVERA: Moving on to Article 770, the optical fiber cables and raceways and Article 800, communication circuits. It provides that fiber optic circuits and equipment shall not be installed in electrical closets. Are fiber optic cables that pass through electrical closets included in this language?

LOUIS BUNK: They are, indeed. The intent there is to keep people who have no business in those closets from going in. We've had instances that have resulted in the death of people going in.

One instance occurred at Two Washington Street just before 9/11 took the building down. But a man was killed in there, an electrician was killed in there because someone had left tools on top of a panel and when he opened that panel, the tools fell in it and caused an arc that killed him.

We don’t want unqualified people going in those rooms. Those rooms are designed specifically for the installation of electrical core distribution equipment, not telephone or anything else.

CHAIRPERSON RIVERA: So you just mentioned telephone. So how would this actually impact Verizon and Cablevision, this provision?

LOUIS BUNK: In order to install it in the closets, you've got to go in and out. And once they're installed they have to be maintained, I'm sure. So it's--

FATMA AMER: [interposing] I'm sorry, Jack. I think this is one of the points that we are discussing right now with the cable companies and Verizon to resolve it that way it doesn't impact them.

CHAIRPERSON RIVERA: It doesn't impact them?

FATMA AMER: It does impact?

CHAIRPERSON RIVERA: Oh, it does impact.

FATMA AMER: Yes.

CHAIRPERSON RIVERA: Because we've heard from providers that some of the technical changes being proposed would make it virtually impossible to run communication infrastructure vertically within a building. Can you go further into whether using plenum communications raceway listed riser raceway or listed general purpose communication raceway interferes with our cabling?

LOUIS BUNK: Well, the product that they call communications raceway is listed in the NEC under Article 362, which is electrical non-metallic tubing. Nobody is allowed to use it in New York City for any purposes. Electricians

can't use it. Nobody can use it. We just don't allow it. It gives off toxic smoke when it burns. We'd just as soon get people out of building without putting something in there that's going to delay them getting out.

FATMA AMER: Again, these set of rules may impact non-electrical installations within the electric closet or raceways, this is part of the ongoing discussions right now with these companies.

CHAIRPERSON RIVERA: So this bill does it or does it not prohibit the co-location of communications and electrical equipment in the same closet?

LOUIS BUNK: Not if it's designated electrical closet. It does.

CHAIRPERSON RIVERA: It does.

LOUIS BUNK: But not every closet is an electric closet.

CHAIRPERSON RIVERA: Okay. Would this restriction put a new burden on building owners to create separate closets for communication equipment?

LOUIS BUNK: It's easier than it

sounds. There could be a chamber placed in an electric closet possibly. It's something that has to be worked out. It's just a matter of working it out.

CHAIRPERSON RIVERA: Would it require rewiring to get that separate closet?

LOUIS BUNK: Not if the wiring is still to be done. They weren’t supposed to put it in there before this. If it's there, it's not supposed to be there.

FATMA AMER: Again, there is a lot of mislabeling of a lot of equipment rooms that may be labeled as electric closet that there is a possibility that we can make it happen in these equipment rooms.

LOUIS BUNK: Absolutely.

CHAIRPERSON RIVERA: Now, with new construction it's easy to be part of the new standards, but with the existing buildings that currently have this situation, are they in violation? If they're not in violation, would they now be required to rewire?

FATMA AMER: I think we are going to be, specifically, because of the limitations we

have in existing buildings, that's why the ongoing discussions with these companies are ongoing to find a solution. New construction is easy.

CHAIRPERSON RIVERA: We'll follow up on these further discussions to get more information. Thank you. Do we have any other questions from committee members? Seeing none; thank you very much. We'll move on to the next panel, which includes Salvatore Anelli from the NEC New York Chapter and Richard Sobel from the New York Electrical Contractors Association.

[Pause]

CHAIRPERSON RIVERA: Thank you very much. Just state your name for the record, your affiliation and you may proceed with your testimony.

RICHARD SOBEL: My name is Richard Sobel. I'm representing the New York Electrical Contractors Association, NECA.

SALVATORE ANELLI: My name is Sal Anelli. I'm representing NECA, New York Electrical Contractors Association.

RICHARD SOBEL: I'll begin. Good Morning Chairman and City Council Members of the

Committee. I am pleased to testify today and thank the chairman and committee for this opportunity to do so.

My name is Richard Sobel. I am president of Quantum Electric Corp, a member firm of the National Electrical Contractors Association's New York City Chapter on whose behalf I speak today.

For the past 20 years I have been a part of the code making and interpretation process both on the national level as a principal of National Electric Code making panels and also here in New York as a member of the Electric Code Revision and Interpretation Committee and as a chairman of one of our six Electrical Code Making Panels--actually, the Low Voltage panel which you were just asking some questions about.

Our member firms, which collectively perform 70 percent of the electric work in New York, are extremely proud of our excellent electrical safety record. While the quality of our workforce and our collective commitment to training is crucial so too is the stringent standards we have helped to develop

through the electrical code making process. New York is not an ordinary city. The density and diversity of its buildings is unrivaled in the United States and this poses many challenges--

ANNOUNCEMENT: [interposing] May I have your attention please. This is a building fire and safety announcement. This is a fire drill. At this time in accordance with the local law, all occupants of the 14th floor are to report to the elevator lobby at the sound of the evacuation signal.

CHAIRPERSON RIVERA: It seems we're going to have to adjourn the meeting for a few minutes.

FEMALE VOICE: We'll see how your electrical code holds up.

RICHARD SOBEL: In high school this would have been your dream. You were giving this speech and then there's a fire drill.

[Pause]

CHAIRPERSON MENDEZ: Good morning. We are back in session after the brief fire drill. I am Joel Rivera. I did a little change in the bathroom, just like Superman. No, I'm Rosie

Mendez. Joel had another hearing to go to. Mr. Sobel, if you can start your testimony again from the beginning since you were interrupted very early.

RICHARD SOBEL: Very good. Thank you. Thank you, again.

My name is Richard Sobel. I am president of Quantum Electric Corp, a member firm of the National Electrical Contractors Association's New York City Chapter and on whose behalf I speak today.

For the past 20 years I have been a part of the code making and interpretation process both on the national level as a principal of National Electric Code making panels and also here in New York as a member of the Electric Code Revision and Interpretation Committee and as a chairman of one of our six Electrical Code Making Panels.

Our member firms, which collectively perform 70 percent of the electric work in New York, are extremely proud of our excellent electrical safety record. While the quality of our workforce and our collective

commitment to training is crucial so too is the stringent standards we have helped to develop through the electrical code making process. New York is not an ordinary city. The density and diversity of its buildings is unrivaled in the United States and this poses many challenges to performing safe and reliable electrical installations.

While we might take issue with a few of the technical aspects of Intro 64 we know that code making is a continuous process. Every cycle allows us the opportunity to review and refine the code to best insure safety and incorporate new technologies. Soon the review and integration of the new NEC codes will begin here in New York. The members of New York Electrical Contractors Association look forward to actively participating in the process so that we may do our part to insure New York City has the best possible electrical code.

Unfortunately we are here today to speak against passage of this document based on the profound changes it makes to the administrative sections of our code. While we can

understand some of the good intentions a few of these changes represent many of them we cannot understand. We see a vast and uncheck expansion of regulatory power over our businesses. We believe these changes will increase costs and deter future development while offering little or no additional safety beyond the present requirements.

We feel these changes did not receive the proper public vetting by all the affected stakeholders and as such we urge you to defer passage of this bill until a public debate can take place, the consequences of these changes be understood and any necessary revisions be incorporated. Thank you for your time and consideration.

CHAIRPERSON MENDEZ: If you give me a second, we've been joined by Council Member Brad Lander from Brooklyn. Welcome.

SALVATORE ANELLI: Good morning, Chairman Dilan. Well I guess it's not Chairman Dilan. Good morning, City Council members of the committee. My name is Salvatore Anelli. I am president of Inner City Electrical Contractors,

and the vice president of the National Electrical Contractors New York City Chapter, an association consisting of over 200 local electrical contractors in New York City representing approximately 70 percent of the electrical work performed in New York City. I apologize for the redundancy but we did not get together on the speech.

I am also a member of the Electrical Code Revision Committee and Electrical Code Advisory Committee since their inceptions. I am pleased to testify today on behalf of those contractors and for my industry and thank the chairmen and the committee for the opportunity to do so.

Intro 64 is the latest amendments to the New York City Electrical Code which consists of two parts, the technical standards, which basically gives the electrical contractor guidelines for equipment, technologies and installation of such for compliance. The second part is the administrative section, which is the regulation under which an electrical contractor operates in the city of New York, inclusive of

qualification, conduct, enforcement et cetera.

Though we have minor conflicts with the technical standards section, we are pretty much in agreement of the latest revisions. We believe that the intent of the latest changes makes New York City an electrically safer city. However, we cannot say the same for the administrative section.

The wholesale changes made to the administrative part are detrimental to the electrical contractor doing business in New York City, and have no additional safety value. They only serve to ease the burden of the Building Department while overloading the electrical contractor.

Just like the technical standards this part of the code was to be reviewed by the Electrical Code Advisory Committee of which I am part of. The last time this committee met was November of 2008. Since then we received a final draft via email and were asked to make comments. However, it was always understood that the panel would meet to finalize this. Email is a wonderful vehicle for communicating; however a document of

this importance should be discussed at a table with all parties present.

We, the New York City electrical contractors are on the front lines of this code, we are the only ones who are sworn to uphold this code, and we are the only ones that can be levied sanctions against. That is why it is vital that our voice is heard. We are ready and willing to share our concerns with the Building department and make the proper changes.

We strongly suggest that you do not pass this Intro 64 and allow the electrical industry to be part of this process. Thank you for hearing our concern.

CHAIRPERSON MENDEZ: Thank you. Do my colleagues have any questions?

COUNCIL MEMBER BREWER: How were you involved in the process?

SALVATORE ANELLI: Back in 1997, I was asked to come onboard, at the time it was the Bureau of Electrical Control, wanted to adopt the NEC? As a matter of fact, I was involved in the original draft, which was a derivative of our code made to mimic the National Electric Code.

However, we were soon stopped by the NEC people for trademark infringements. So we decided to go by taking the NEC, which is the National Electric Code and adopt some amendments to it. I've been involved in that process since 1997. In 1999, we finalized the draft which was approved in 2001. Ever sine then I've been involved in the Code Revision Committee and the ECAC which is the Electrical Code Advisory Committee.

It originally as set up that the Electrical Code Advisory Committee would meet on a four time a year basis to go over the ERAC's findings.

RICHARD SOBEL: My participation is on the technical side. I'm on the code committee since the early 90s. Like I said, I'm very much involved in the national level on the code making process. I chair Code Panel 6. We've broken the code into six sections. I chair the panel that writes the low voltage section, some of the questions that were being asked about with Verizon and cable and those kinds of things. We're the panel who has supported very much since the

beginning, since '99, of that stuff not being in electric closets.

If I can expand on it a second, maybe I can help answer that question. A licensed master electrician, the folks who have to by law abide by the code; they're knowledgeable of the entire book. They know all the rules and they're responsible to hold up all the rules.

For example, the code says an electrical panel in an electrical box you must have three foot clearance in front of it. If a fellow to coming to install a fiber optic cable or a cable TV line and he's not a licensed master electrician he may not know that rule. He may install his cable TV box a foot in front of an electrical panel and create, inadvertently, a violation. Also, he may subject himself to a dangerous environment of this electric closet.

So this has been something Code Panel 6 has supported and been part of the revised code since 1999. Over the years we've better defined electric closets. There are other places in the building these folks can run their risers, but this is a very, very important safety issue.

I don’t know what undue burden has been created, but if guys have been doing it wrong in the last couple of years, they've already should have known this rule that that stuff shouldn’t be in the electric closet.

COUNCIL MEMBER BREWER: That's very helpful. So in the last time period, when this bill was introduced there were discussions about it, were you able to state this doesn’t--

RICHARD SOBEL: [interposing] In the former versions--

COUNCIL MEMBER BREWER: [interposing] Only the former versions.

RICHARD SOBEL: We've already had these requirements that that work shouldn’t be in the electric closet.

COUNCIL MEMBER BREWER: But just in general, in terms of the legislation, I know it goes to the bill that we're talking about today, how do you communicate on an ongoing basis with the Buildings Department? It's through those task forces that you're talking about, right?

RICHARD SOBEL: The code making panels meet once every three years.

COUNCIL MEMBER BREWER: Correct.

RICHARD SOBEL: The National Code comes out with their new code every three years. They just came out with the 2011. We're a year behind normally. Under normal circumstances, the following year we do our analysis. We look at our old amendments.

COUNCIL MEMBER BREWER: Got it.

RICHARD SOBEL: We decide what changes are in the code. We make our new set of amendments and we submit it to you folks.

COUNCIL MEMBER BREWER: Got it.

RICHARD SOBEL: The Code Interpretation Committee, we meet monthly. That’s the forum where the public can ask questions and get interpretations on the code. We have a whole nice bunch of experts from all different aspects: contractors, inspectors, engineers, testing labs, a very diverse group of experts. We interpret the code to the best of our ability.

COUNCIL MEMBER BREWER: Thank you very much.

RICHARD SOBEL: Our pleasure, thank you.

CHAIRPERSON MENDEZ: I want to thank this panel for your testimony and the committee staff will be following up with you for more details on some of your concerns and objections to this legislation.

RICHARD SOBEL: Thank you.

SALVATORE ANELLI: Thank you.

CHAIRPERSON MENDEZ: Thank you. The next panel will be Serge Budzyn from ACEC New York, Christopher Rogan from Eton Corp and Rick Miller from Electrical Manufacturers Contact Power Inc.

[Pause]

CHAIRPERSON MENDEZ: Thank you. Whoever is ready to start just grab the microphone, identify yourself for the record and start your testimony.

SERGE BUDZYN: Thank you. I'm Serge Budzyn, chair of the Electrical Codes Committee for the American Council of Engineering Companies of New York and a principle at Lilker Associates, a mechanical and electrical consulting engineering firm in New York City.

On behalf of the American Council

of Engineering Companies of New York Metropolitan Region, also referred to as ACEC New York, I'd like to thank Chairman Dilan and the members of the Housing and Buildings Committee as well as Speaker Quinn for their tireless efforts over the years, updating the City's construction codes. As a principal of Lilker Associates, and as Chair of the ACEC New York Electrical Codes Committee, I am here today to testify in support of the proposed amendments to the New York City Electrical Code.

ACEC New York represents 220 engineering firms throughout New York State with a concentrated presence of firms located within the five boroughs of New York City.

Over the last several years, the members of ACEC New York have devoted thousands of hours to the review and overhaul of the New York City construction codes and the 2008 revision of the New York City Building Code.

To ensure that New York City remains on the cutting edge of technology and electrical engineering, it is important that our codes, particularly our electrical code be updated periodically. Technology in the building trades,

particularly in connection with electrical engineering work, is a constantly evolving science.

Since 2001, when New York City adopted the National Electrical Code, we have made great strides to incorporate green initiatives including solar and wind power installations and other such technologies that require a state-of-the-art electrical code.

Specific improvements in the current version of the code include the elimination of UL site inspections for photovoltaic systems, covered under Article 690. The better clarity in the 2008 NEC as to how such systems are installed will expedite work and reduce installation costs.

Another is the addition of Article 708 Critical Operations Power Systems which defines criteria for the design and installation of specialized facilities so that critical operations will remain functional during emergency response situations, whether natural or manmade.

Finally, Article 760 integrates the Fire Department of New York installation

requirements which had been previously carried in the Building Code into the Electrical Code, allowing work that is to be performed by electrical contractors to be handled with a technical standards document they use daily.

Fortunately, the New York City Electrical Code was drafted with sufficient clarity of purpose to make such innovations in a complex industry possible. Regular periodic updates to the code, which coincide with the NEC three-year cycle, ensure continued adaptability to an ever-changing world.

ACEC New York will continue to work with the Department of Buildings and the New York City Council to ensure that future updates reflect the on the ground issues encountered by our engineers, architects and electricians every day as well as best practices for safety and sustainability. We respectfully offer our support for this current round of amendments which reflect those objectives. Thank you.

CHRISTOPHER A. ROGAN: Good morning ladies and gentlemen. My name is Christopher Rogan. I work for Eaton Corporation, a

manufacturer of fusible switches, circuit breakers and electric distribution equipment. I have been a member of New York City's electrical community for the past 17 years and serve on the New York City Advisory Board. I am here today to testify in support of the New York City amendments to the National Electric Code. In particular to compliment the group for the inclusion of a clarification that defines Selective Coordination.

I come from a family of civil servants. My mother was a police officer. My father was fireman. Both of my brothers were firemen. My youngest brother, Matthew, was unfortunately killed in the World Trade Center collapse on 9/11. From both a personal and professional perspective, I favor policies and practices that balance fiscal responsibility while ensuring human safety.

The proposed definition for Selective Coordination to the 0.1 second level provides the general public a high level of protection and continuity of service at a reasonable cost. It allows licensed engineering professionals to design electrical distribution

systems that permit the appropriate fuse or circuit breaker closest to the short circuit or fault to open or stop the flow of electricity. This results in the rest of the building remaining in service, thus avoiding costly power outages.

The types of faults that occur in the under 0.1 second range known as "bolted faults" are rare and according to the IEEE account for less than 1 percent of total short circuits. These are generally manmade and occur during initial wiring and installation, prior to building occupancy, or during a scheduled maintenance shutdown period when the general public would not likely be in danger.

Unfortunately, with selective coordination in the region below 0.1 second, the safety of electricians, maintenance workers or even first responders can be jeopardized due to their exposure to higher arc flash hazards, including third degree burns, blindness, loss of hearing and other body trauma. In these circumstances it is critical to have any breaker or fuses in the circuit open as quickly as possible to disconnect power, thus sacrificing

coordination and convenience rather than human life.

Since the initial publication of the 2008 National Electric Code, there has been considerable published documentation available from the IEEE and other professional organizations on the subject of selective coordination. I applaud all of the work that was done by the esteemed members of the various New York City Code Making Panels to thoroughly examine this information and properly evaluate the issues prior to submitting the proposed New York City code amendments now before you for approval.

New York City is not alone in moving towards a reasonable and safer application of the 0.1 Selective Coordination standard. The State of Florida has successfully used the same 0.1 Standard in hospital applications for the past 15 years without one reported case of a loss of life due to a lack of coordination below 0.1 second. The 2010 State of California Electric Code has also adopted the 0.1 second Selective Coordination threshold.

I am pleased that New York City is

joining these states and other municipalities in taking a balanced and sensible approach in adopting Selective Coordination to the 0.1 second standard. Thank you for your time and consideration.

RICK MILLER: Madame Chair, members of the committee, thank you for giving me the opportunity to offer comments on this matter of revising the New York City Electrical Code. My name is Rick Miller and I am here on behalf of electrical manufacturers to voice my enthusiastic support for this legislation and urge you to recommend quick adoption of these revisions.

By way of background I am a licensed professional engineer in the state of New York and have been actively involved in the electrical industry for over 35 years. For the past 25 of those years my work has been here in New York City. I am a member of the New York City Department of Buildings Electrical Advisory Board as well as the DOB's Electrical Code Revision and Interpretation Committee.

Since 1988 I have served alongside a number of dedicated individuals who annually

volunteer hundreds of hours to help the DOB maintain an up-to-date electrical code. Our motivation is to insure public safety and to help promote competitiveness in New York's electrical construction market.

For the record I want to compliment the Department of Buildings on the rigorous process adhered to during the development of the code revisions before your committee. Care was taken to recruit for the working groups, representatives from all major stakeholders such as the real estate owners and developers, national and local manufacturers, designers, contractors, labor and electrical inspectors. In this way all perspectives were brought to the table early in the discussion.

A few of the code provisions may be considered controversial and today we might, in fact, hear some opposition. Having been personally involved with much of the debate that resulted in this legislation, I can tell you that all arguments have been thoroughly vetted and the document before you is as close to a unanimous consensus of the electrical community as one could

hope for.

It was the intent of the Department of Buildings for this code revision to take effect January 1, 2010. Due to City Council's failure to act on the legislation, the New York electrical industry now finds itself in September without the benefit of our revised code.

I echo the statement of support from the Mayor's office when I say that the electrical community and the Department of Buildings have made a commitment to ensure that New York City's electrical code is updated on a regular basis to recognize and implement the continuing advancement in technologies. I urge the committee's support in helping to expedite adoption of Intro 64 into law. Thank you very much.

CHAIRPERSON MENDEZ: Gale, any questions?

COUNCIL MEMBER BREWER: No.

CHAIRPERSON MENDEZ: I want to thank this panel for your testimony. Mr. Rogan, my sympathies to you for the loss of your brother. Thank you very much. The next panel up will be

John Kowal from Cooper Industries Bussman Division, Albert Cox from Cooper Industries and Vincent Logozzo from Five Boro Licensed Electrical Contractors.

[Pause]

CHAIRPERSON MENDEZ: Gentlemen, whoever is ready may begin.

JOHN KOWAL: My name is John Kowal. I'm with Cooper Industries. I'm a field applications engineer for Cooper Bussman. I'm a EE by trade and been in it for about 35 years, from just my experience level on this. I do want to thank the Council for hearing us today. I'm going to address the issues on an action sought to delete proposed amendment for Article 100, definition coordination selective. My points I've highlighted here.

The proposed amendment makes the definition improper. Definitions in the NEC are not to contain requirements and it is assumed the same applies to the New York City amended adoption of the National Electric Code.

The National Electric Code style manual in 1.2.2 under definitions: "Definitions

shall be in alphabetical order and shall not contain the term that is being defined. Definitions shall not contain requirements or recommendations."

In addition, NEC Section 90.5(A), mandatory text is characterized by the use of the term shall or shall not. Definitions in the NEC are not mandatory text and therefore cannot contain the words shall or shall not.

This proposed New York City amendment adds a sentence to the NEC definition and is improper for a definition. This sentence is written as a requirement, includes "shall" and uses the term that is being defined: "For the purposes of this code two over-current protective devices shall be deemed selectively coordinated if their respective time-current characteristic curves do not intersect at a time of 0.1 seconds, otherwise 6 cycles on 60 hertz or longer."

The proposed New York City amendment essentially requires selective coordination only for overloads, which is inadequate for life safety circuits. The NEC requirements for selective coordination are for

the full range of over-currents which includes overloads, low level fault currents, and high level fault currents.

In the 2011 NEC cycle, Panel 13 clarified that the selective coordination requirements are for the full range of over-currents in a Panel Statement in Proposal 13-198. Panel Statement is such: "The existing text of 700.27 already requires selective coordination for the full range over-currents, from overloads through the available short-circuit current, with all upstream devices."

The city of New York typically has high fault currents in many of its buildings. Accepting this proposed amendment of 0.1 seconds will reduce the reliability of power for life safety loads.

Selective Coordination down to 0.1 seconds is less stringent than National Electrical Code and reduces the level of safety. Several National Electrical Code Panels have considered proposals recommending selective coordination for times of 0.1 seconds or greater during the NEC 2005, 2008 as well as the recent one of 2011.

Below is an example of a rejected proposal from the 2011 NEC cycle. This demonstrates--

ANNOUNCEMENT: May I have your attention please. This is your building fire and safety director. This concludes the fire drill for today. Please respond to any and all future alarms that you may see or hear. May I have your attention please? This is your building fire and safety director. This concludes the fire drill for today. Please respond to any and all future alarms that you may see or hear. Thank you for your cooperation.

JOHN KOWAL: Thank you. I'm going to go back to the beginning of the paragraph. Several National Electrical Code Panels have considered proposals recommending selective coordination for times of 0.1 seconds or greater during the NEC 2005, 2008 and 2011 cycles. Below is an example of a rejected proposal from the 2011 NEC cycle. This demonstrates that modifying the selective coordination requirement to times down to 0.1 seconds is a less stringent requirement per NFPA Code Panel 13. Panel 13 is responsible for the selective coordination requirements in NEC

Sections, article sections 700.27, 701.18, and 708.54.

2011 National Electrical Code report on proposals: Proposal 13-195 and you'll see the Log #3953. The final action was to reject. Concerning 700.27, the proposed recommendation is to revise text to read as follows: 700.27 Coordination "Emergency systems over-current devices shall be selectively coordinated with all emergency system supply side over-current protective devices for faults with a duration of 0.1 seconds and longer."

Panel Statement in regards to the earlier: "The 0.1 second limit in this proposal could reduce the level of safety by limiting the types of over-currents that would need to be isolated to the nearest upstream device. Requiring selective coordination down to only 0.1 seconds will cover only overloads and a few minor phase to phase and minor ground faults."

Accepting the proposed amendment will increase the liability for engineers, contractors, inspectors and owners. Imagine a high rise is designed and installed to minimally

comply with the amended New York City requirements and an over-current protective device, that would be a fuse or a breaker, cascading incident occurs during an emergency situation, with serious injuries to people. How does the engineer, contractor, owner, and inspector defend what they designed/built/approved, since it is no longer a requirement than the NEC Articles 620, 700, 701, and 708?

There is simply no need to increase everyone's liability, especially when considering the aftermath of Katrina where there are recent judgments against engineers and owners who complied with the most stringent consensus standards and still lost. Thank you, Chair.

CHAIRPERSON MENDEZ: Thank you very much.

ALBERT F. COX: Good morning. My name is Al Cox. I'm a factory application engineer also with Cooper Bussman for New York City and New Jersey. I'm a graduate electrical engineer. I've worked in the industry for over 50 years. Ten years being a consulting engineer and the balance working in the area of over-current

protection, whether it be fuses or circuit breakers. I'm also a member of the New York City Electrical Advisory Board.

I too am questioning the change in the timeframe for this amendment from 0.01 seconds to 0.1 seconds. Unlike, Mr. Bunk, I was around when they adopted that amendment back in the late 50s and early 60s. It was put in the code specifically so that we would not have blackouts in our systems.

The whole idea of selective coordination is to isolate the faulted circuit and the devices that would do that, obviously, are your safety valves, your fuses and circuit breakers. So the 0.1 seconds has been around for over 50 years.

Keep in mind that the codes, whether it be the National Electrical Code or the New York City Electrical Codes, they are minimum standards. What we're attempting to do here is reduce that minimum standard to something of lesser value.

Article 240.12 talks about electrical system coordination and it talks about

coordinating short circuit protection, not overload protection. Short circuits do occur in your distribution systems, regardless of what we hear throughout the industry. We can show that by several explosions here in the city. One is tenant work being done on several of the new buildings where new tenants are moving in. These are where the accidents happen.

Now the 0.1 timeframe was addressing emergency system but the way our code is written, it also transfers over to your normal distribution system. I've already seen two jobs come through the advisory board where the manufacturers have started using this 0.1 timeframe, which obviously has not been adopted yet. If you not only take it from the emergency system to your normal system, which does have a very high short circuit current, you're just going to cause additional problems to our distribution system and cause a blackout.

Keep in mind that apartment buildings today are getting higher and higher in New York City. I think the Trump Tower is going up about 80 stories, which means more people are

way up in a building and there's more potential danger for them if there is a blackout in the system.

Keep in mind that a blackout causes people to panic. Just to show a small example, I was in a movie theater about 20 years ago and the aisle light started to arc and everybody ran for the doors. They were screaming and yelling. It just supports the idea that a blackout causes people panic.

So we don’t want this to happen. We don’t want the increased liability for the citizens of New York and life safety. So therefore, I suggest that we leave the standard as is at 0.01 seconds which also covers the full range of the over-current protective devices. Thank you.

CHAIRPERSON MENDEZ: Thank you very much.

VINCENT LOGOZZO: Good morning. My name is Vincent Logozzo and I am a New York City Licensed Master Electrician. I have been licensed to perform electrical work in the city of New York for the past 11 years, and I have worked in the

Electrical Contracting Industry in our city for the past 21 Years.

I am here today representing the Five Boro Licensed Electrical Contractors Association as the associations President. Our association is comprised of 300 electrical contracting companies that are licensed to work in New York City and together we employ approximately 10,000 employees.

Our association has been established for 53 years and has always worked directly with the Department of Buildings, and the city council in relation to updating and implementing changes to what we all know as the New York City Electrical Code.

Five Boro is always contributing it's time and efforts for the safety of the citizens of New York City. We donate our time on various New York City committees, which include the Electrical Code Interpretation and Revisions Committee, the Electrical Advisory Board, and the Electrical Licensing Board.

We have had numerous conferences and discussions with representatives from the

Department of Buildings, to discuss our concerns in reference to Intro 64, before it was introduced to this committee. When we received a copy of the draft, we noticed that our concerns have fallen on deaf ears. I am here to testify for the record that the Five Boro Electrical Contractors Association is against the implementation of Intro 64, mainly due to the proposed changes to the administrative section of the New York City Electrical Code. We feel that the implementation of these changes will be detrimental to the electrical contracting industry in our city, open the door to more unlicensed work, and will indirectly affect the safety and welfare of the citizens of New York City.

This proposed legislation removes the responsibility of the City Council and gives the commissioner of the Department of Buildings the opportunity to make future changes and rulings on his own. This carte blanche way of implementing changes in the law is simply unjust and unfair to the taxpaying citizens of our city.

The proposed legislation does not include stringent consequences for individuals who

are caught performing unlicensed electrical work, but focuses mainly on the individuals who are running legitimate businesses. These are just a few reasons why our association is against the passing of this legislation.

For the sake of moving forward and making the New York City Electrical Code current, I would suggest that only the proposed changes to the technical portion of the New York City Electrical Code be reintroduced and the administrative portion of the Electrical Code be left as it stands in law today without the proposed changes. I thank you all for your time and attention.

CHAIRPERSON MENDEZ: I want to thank this panel for their testimony. Again, the committee will be in touch with you with any questions they may have about some of your objections to the proposed legislation. I want to thank my colleague Gale Brewer for hanging out here while I ran to another hearing. I also got declared no more fire drills for the rest of the day. You may have heard that. So I was very active in my few minutes out.

One again, gentlemen, thank you. The next panel will be Glen Neville from Real Estate Board of New York, Angela Sung, also from REBNY and Anthony Pereira from Solar Energy Industry Association. Whoever is ready, you can grab the microphone and please identify yourself for the record.

ANGELA SUNG: My name is Angela Sung. I'm senior vice president of Management Services and Government Affairs for the Real Estate Board of New York.

On behalf of the Real Estate Board of New York, representing nearly 12,000 owners, managers, developers and brokers of real property in the City of New York, I would like to thank the members of the Housing and Building Committee and chair Dilan for the opportunity to comment on Intro 64, regarding the Local Law to amend the Administrative Code of the City of New York in relation to the Electrical Code.

In Article 240.12 of the New York City amendments to the NEC it states that selective coordination is required for all service devices rated about 601A and between said service

device and the second level over-current protection point. Section 9 part L of Intro 64 proposed that any permit application filed with the department that requires the selective coordination of over-current protective devices must include documentation from a professional engineer demonstrating how selective coordination was achieved, including but not limited to short circuit overlay curves and calculation. Such documentation must accompany the electrical applications.

A typical construction schedule requires that once a project is awarded to an electrical contractor, the shop drawing and submittal process takes place in conjunction with the filing of the permit application. Because an accurate coordination study would approve switch gear shop drawings indicating all device types, makes and models and such shop drawings are developed over time, it would not be practicable to develop such a study at the permitting phase of a project.

Significant amounts of roughing work, pipe wire, back boxes are typically

installed during the shop drawing period. The proposed amendment in its present state could have significant impacts on an overall construction schedule as well as significantly increase cost and duration of many projects.

Therefore, we respectfully request that this coordination study be submitted at any time prior to final signoff but not a requirement at the time of application. With that adjustment, the Real Estate Board is supportive of Intro 64.

Again we thank you for the opportunity to comment on this legislation and we are happy to answer any questions regarding our comments.

GLEN NEVILLE: Hi. My name is Glen Neville. I'm a member of the Real Estate Board of New York. I've been working with the Real Estate Committee for about five years now. I'm a member of the DOB's Electrical Code Revision and Interpretation Committee also.

I just wanted to comment on the technical merits of the code revisions. We spent a tremendous amount of time, over about 12 months with a significant portion of the electrical

community from contactors, engineers, to inspectors to everyone who wanted to participate in those meetings. They were able to comment on the Electrical Code revision process. The technical document that's represented in Intro 64 shows the fruits of all that labor. To the point I think Rick Miller made before, it's truly a consensus to the extent that you could ever get a consensus with the number of people involved in it. It truly represents some major steps forward on safety and protection. I believe it is an excellent document and I think it should be adopted.

There are some minor concerns that we have, specifically requiring the administrative part and when things need to be submitted, specifically the coordination study that Angela just addressed. I understand there are some concerns from different people out there but all in all that document was truly representative of a number of people spending a significant amount of time arguing over these points and really discussing the merits of each.

Just from our opinion from the

REBNY side and to reiterate what Angela said, the technical portion of Into 64 we believe is the right document. To delay it much further, we're truly missing out on some other safety measures that exist in that document that should be implemented as soon as possible. Thank you.

ANTHONY O. PEREIRA: Hello. My name is Anthony Pereira and I am president and founder of a local company, AltPower which is renewable energy integrator. I'm also on the board of the local New York City Solar Energy Industries Association and former president of State Solar Energy Industry Association. I also sit on the Department of Buildings Building Sustainability Board.

I am here to represent the industry and out interest in passage of Local Law 64 because of the burden that the current Electrical Code puts on the use of renewable energy systems, specifically solar energy systems or photovoltaic systems.

Under the current Electrical Code, a third party must inspect renewable energy systems before a local inspector from the

Department of Buildings electrical borough can inspect the system. This adds an extra burden in time and also in cost. In reality the systems are well know, they follow Electrical Code.

Con Edison has an extra review of system applications which it would have to be UL listed in order to have Public Service Commission approval for interconnection. There is just tons of redundancy and the technology is over-scrutinized and it's time that this requirement gets removed. Local Law 64 would do that.

So the industry is in favor of the passage of this bill. It will help the city clean its air. It'll create jobs and help maintain a stable grid because solar systems especially produce power during the peak demand hours when New York City needs energy the most. Thank you.

CHAIRPERSON MENDEZ: Thank you very much. I'd like, again, to thank this panel. The last panel will be comprised of Pasquale Pescatore, independent electrical contractors, Mohamad A. Mohamad from Five Boro Electrical Contractors and Rich Windram from Verizon.

Thank you again. Whoever is ready,

you can grab the microphone and please identify yourself for the record.

PASQUALE PESCATORE: My name is Pasquale Pescatore. I represent the independent contractor. That's the small electrical contractor. We're for the Intro 64, the technical part, but the administrative part is going to be very hard on the small electrical contractor, even the big one, because the fine doesn't fit the crime. We've got $5,000 fines. Most of the small electrical contractors, they're lucky to do a job up to $5,000. There is a fine of $5,000 there.

It says the permit could be good for 90 days. Right now, for us to get an inspector on the job it takes more than 90 days. We have to call and wait for it and be lucky that that day he could come. If he doesn't come it's postponed again. So we're against the administrative part.

I heard many people here today and a lot of them were against the administrative part. Thank you for giving me a chance to speak on it.

MOHAMAD A. MOHAMAD: Good morning.

My name is Mohamad A. Mohamad. I represent the Five Boro Electrical Contractors Association. Our Association members are New York City licensed electrical contractors numbering approximately 300. My position in the organization is Treasurer and Financial recording secretary. I'm also chairman and founder of the continuing education program and chairman of Code and Code Interpretation Committee which is why I'm here presenting our membership's strong opposition to the administrative section of this proposed legislation.

We take pride in our relationship with the City and the industry in doing our part working as a whole to make New York City a safe place for its inhabitants. For many years we worked very closely with the City's ECRIC, Electrical Code Revision and Interpretation Committee and the ECAC, Electrical Code Advisory Committee. We are also applicably represented in every electrical city agency to help promote standards and procedures that better our installations and meet the requirements of the administrative provisions.

As an association our responsibility is to provide input to the industry and make known our concerns to the different electrical agencies of the City regarding changes that affect the licensed electrical contractor and to educate our members through continuing education as to the outcome of any such changes. As electricians our job is to stay current, but to do that we need to be part of the whole process in order to lessen the confusion.

All of us play a very important roll in this very delicate commerce. New technologies, methods, and products are constantly being introduced and installed, the City Council, Building Department, electrical inspectors, product inspections, manufactures, engineers, and a qualified electrical workforce all need to work together to insure that the electrical coffee pot plugged into the electrical wall outlet fits, is the plug and cord the proper size, does the electrical element that heats the water sufficient, is the circuit breaker for the appliance properly sized, did the electrical installation meet the minimum standards, did the

installation pass inspection, was the product tested for its safe use. These users does not question these issues, their only expectation is does the electrical system function and when can I taste that perfect cup of coffee. That's the point; working together we provide a safer brew.

This proposed legislation was not submitted to our code committee for review, correlation, or comments prior to its submission to the City Council. However in the spring of 2009 we responded to the Department of Buildings after being made aware of an early unofficial draft which led to our concerns.

We informed the City of our opposition to the unofficial draft by mail and by phone. We requested a meeting as early as possible to discuss our objections. We were asked to submit in writing our objection during a prearranged two party telephone conversation with the Building Department and members of our committee.

During this phone conversation we discussed some of the main opposition to the unofficial draft. Their reply was they would get

back to us as soon as possible since they had to meet a deadline in submitting the proposed legislation Intro 64 to the City Council. No reply was forthcoming.

At this time I'd like to conclude that we were left out of the process and feel that the New York City suffers due to a lack of commitment by the Department disingenuous procedure. The current proposed legislation sets us back and leaves the city at risk due to its ambiguous proposals, which is why we oppose this proposed legislative Intro 64 unequivocally.

In the future we need to apply ever effort collectively keeping our electrical codes current administratively and technically. We need to keep our citizenry safe by collectively involving all of us and not circumventing one's views so New Yorkers can enjoy its morning brew.

Thank you for hearing me.

RICHARD WINDRAM: Good morning. My name is Richard Windram. I'm the director of government affairs for Verizon New York.

I appreciate the opportunity to speak before the City Council's Committee on

Housing and Buildings on behalf of Verizon Communications regarding the proposed changes to the Electrical Code as found in Intro 64.

First, I would like to recognize both the Department of Buildings and the City Council for their tireless efforts to continuously review and update the City Electrical Code. That work ensures that New York City standards are keeping pace with the National Electrical Code revisions and placing the City at the forefront of our nation in maintaining the highest technical standards.

However, Verizon does have some concerns with the most recent proposed revisions. Verizon believes that as constituted presently some changes will provide some hardship and create disparity in the highly competitive communications marketplace.

Therefore, Verizon respectfully, request that the Committee closely review and seek clarification from the Department of Buildings on the following items, which are found in both Article 770 which is Optical Fiber Cables and Raceways and Article 800 which is Communications

Circuits.

The first thing we wanted to point out that both of those sections have changes to them. Changes to Article 820 though have been omitted. Usually those articles go in lockstep. So there appears to be a disparity between what's being required for Article 770 and Article 800.

The fact that the proposed changes to those two sections are not being applied to 820 creates an unlevel playing field today between providers of communications and cable services. If accepted by New York City these recommended changes would create a competitive advantage to those companies that primarily use coaxial cabling to offer their services.

The second issue is the elimination of using plenum communications raceway, listed riser raceway, or listed general purpose communications raceway would make it very difficult to run communications infrastructure vertically within a building. Verizon would appreciate a better understanding as to the reasoning for this elimination and an explanation on how Verizon is now supposed to run our cabling.

Verizon believes these raceways are valid and should be able to be used as intended and as listed. Additionally, cables and raceways should be able to be installed in ducts and plenums as prescribed in the entirety of Section 300.22

The requirement to use threaded metal raceways would also add an undue burden and cost to communications and fiber installations, as well as create an ascetic issues on one and two family dwellings. Verizon believes this requirement is totally unnecessary when the raceway is not being used as a grounding path nor are there any electrically conductive components being used. At a minimum there should be an exception for nonconductive fiber which we are running throughout the city right now. Introducing metal raceways we feel is a safety issue, especially if you're talking about cabling that's nonconductive.

The last issue is the restriction of communications equipment being installed in electrical closets. This may present some problems. Verizon would like to know if the

communications cabling that passes through electrical closets today would be restricted. Also, Verizon would like to know if equipment rooms that are currently co-locating communications and electrical equipment will be reclassified as electrical closets.

Now the code does define electrical closet as a "a room containing substantial electrical distribution equipment such as vertical risers, bus ducts, transformers or panel boards", but we're just looking for some clarification on exactly how these rooms will be classified is necessary. Additionally, with rooms potentially being classified as electrical closets, this classification will now put a new burden on building owners.

We're just looking to find out if a bifurcation is created within the closet as it is today, can the communications equipment still run through those closets to what's usually the telecommunications closet on the floor above. It's usually stacked electrical closet to telecommunications and so on and so forth.

So I think that the answer is there

and the Department of Buildings is working with us, but we're just waiting for clarification on that.

Once again, I thank the Committee for the opportunity to express Verizon's concerns. We look forward to working both with the Committee staff and the Department of Buildings going forward. We very much would like to see these clarifications actually articulated in the code. Thank you.

CHAIRPERSON MENDEZ: I want to thank this panel for their testimony. Again, the Council staff will be reaching out to get more details about your objections or any other clarification we may need. We've received most of the testimony in writing, so that's been helpful.

Also, we have testimony of Con Edison that is being submitted for the record in favor of Intro 64. We've been joined by our wonderful Chair Erik Dilan who finally made it. You missed the fire drills, my friend.

CHAIRPERSON DILAN: I would have rather been here for the fire drill. Just a message to anybody, avoid the Westside Highway.

I've been on there since 9 a.m. If it wasn't for the New York City subway system, I wouldn't have even made it here to see the close of the hearing. I'll make sure that I'm responsible and that I get up to speed with taking some time out to my counsel to find out what the objections are.

We learned late last night that there would be objections. I wouldn't say major objections, but substantive objections to what we are considering today. We intend to go through the review of them with due diligence and try to reach out to you to make sure that the impact of any changes will be mitigated.

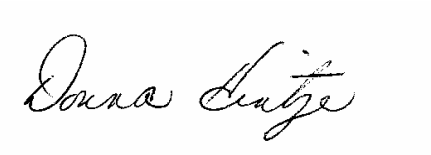
I'd like to thank my colleague for pitching in so that this hearing could go forward and that everybody else's schedule could be maintained, and Joel Rivera as well.

So I guess at this point, you might as well finish it off.

CHAIRPERSON MENDEZ: Thank you, Mr. Chair. This hearing is coming to a close. Thank you.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature_____

Date _October 6, 2010_____