



Dawn Michele Bellis  
Secretary, Standards Council

8 August 2016

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#16-10</b>
Standards Council Agenda Item:	<b>SC#16-8-3-1-1</b>
Date of Decision*:	4 August 2016
NFPA 70®, <i>National Electrical Code</i> ®, 2017 Edition	

Dear Interested Parties:

At its meeting of August 3 – 4, 2016, the Standards Council considered an appeal on the above referenced matter. The Council's Final decision is now available and is attached herewith.

Sincerely,

A handwritten signature in black ink that reads "Dawn Michele Bellis".

Dawn Michele Bellis  
Secretary, NFPA Standards Council

cc: D. Berry, S. Everett, L. Fuller, W. Burke, M. Earley  
Members, NEC Code-Making Panel 12 (NEC-P12)  
Members, NEC Correlating Committee (NEC-AAC)  
Members, NFPA Standards Council (AAD-AAA)  
Individuals Providing Appeal Commentary

---

\*NOTE: Participants in NFPA's codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the Regulations Governing the Development of NFPA Standards and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.



Standards Council Decision (Final):	<b>D#16-10</b>
Standards Council Agenda Item:	<b>SC#16-8-3-1-1</b>
Date of Decision*:	4 August 2016
NFPA 70 <sup>®</sup> , <i>National Electrical Code</i> <sup>®</sup> , 2017 Edition	

**SUMMARY OF ACTION (for convenience only; not part of official decision):** *The Standards Council voted to deny the appeal to overturn the Technical Committee Ballot on CAM 70-25 and Accept Public Comment No. 1509.*

**DECISION:**

At its meeting of August 3 – 4, 2016, the Standards Council considered an appeal from Sean L. Lui of Tesla Motors, Inc. The appeal requests that Standards Council overturn the Technical Committee Ballot on CAM 70-25 and Accept Public Comment No. 1509 for inclusion in the 2017 Edition of NFPA 70<sup>®</sup>, *National Electrical Code*<sup>®</sup>. Specifically, this appeal requests an exception be added to the ampacities tables for charging cables for electric vehicles.

As background, the Code-Making Panel 12 rejected Public Comment No. 1509. The Appellant filed a Notice of Intent to Make a Motion (NITMAM) which was certified by the Motions Committee as CAM 70-25. CAM 70-25 passed on the floor of the NFPA Technical Meeting. However, the amendment ballot failed to achieve the necessary 2/3 affirmative vote necessary to recommend approval of the Association action by the CMP.

The appeal requests that the Council overturn the results yielded by the standards development process. On appeal, the Council accords great respect and deference to the NFPA standards development process. In conducting its review, the Council will overturn the results of that process only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis upon which to overturn the results yielded by the NFPA standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that Public Comment No. 1509 will not be included in the 2017 Edition of NFPA 70<sup>®</sup>, *National Electrical Code*<sup>®</sup>.

While the Council has voted to deny this appeal, it acknowledges that the electric vehicle industry is continually making changes in technology. Therefore, the Council directs NEC<sup>®</sup> Correlating Committee Chair, Mike Johnston, to assemble a task group of CMP and, potentially, non-CMP members to consider the issue presented in this appeal and make recommendations for future text changes to the NEC<sup>®</sup> either in the next revision cycle or in the form of a TIA, if appropriate.

Standards Council Chair Kerry Bell and Standards Council Member Richard Owen recused themselves during the hearing, deliberation and vote on this issue.