



Dawn Michele Bellis  
Secretary, Standards Council

8 August 2016

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#16-11</b>
Standards Council Agenda Item:	<b>SC#16-8-3-m</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

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\*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.



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***SUMMARY OF ACTION (for convenience only; not part of official decision):*** *The Standards Council voted to deny the appeal to overturn the Association action on CAM 70-26 and Accept Public Comment Nos. 1075, 1722 and 1534.*

***DECISION:***

At its meeting of August 3 – 4, 2016, the Standards Council considered an appeal from Alec N. Brooks of AeroVironment Inc., Sean L. Lui of Tesla Motors, Inc. and Jason France of Clipper Creek, Inc. The appeal requests that Standards Council overturn the Association action on CAM 70-26 and Accept Public Comment Nos. 1075, 1722 and 1534 for the 2017 Edition of NFPA 70<sup>®</sup>, *National Electrical Code*<sup>®</sup>. Specifically, this appeal seeks to allow connection of 250 volt portable Electric Vehicle Supply Equipment to premises wiring systems within the provisions of NEC<sup>®</sup> Section 625.44.

As background, the Code-Making Panel 12 rejected Public Comment Nos. 1075, 1722 and 1534. Appellants each filed a Notice of Intent to Make a Motion (NITMAM) which were together certified by the Motions Committee as CAM 70-26. CAM 70-26 failed on the floor of the NFPA Technical Meeting. Appellants filed an appeal for the Council’s consideration and determination.

The appeal requests that the Council overturn the results yielded by the standards development process. Appellants assert that the members in attendance at the Technical Meeting were not aware that should the membership vote in favor of the CAM, the successful proposed text would subsequently be balloted by CMP-12. Further, Appellants argue that if the membership had understood that when a CAM passes on the floor, the next step in the process is the balloting of the CMP on the CAM, then the Association members in attendance would have been more likely to vote in the affirmative.

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. The NFPA processes all of its standards in accordance with the *Regulations Governing the Development of NFPA Standards (Regs)*. Sections 4.5.3, 4.6 and Table 1 of the *Regs* clearly set forth the steps for processing standards following action at the Technical Meeting. While the

Council acknowledges there were comments made on the floor about “returning” the text to the Committee, the Council also has great confidence that the vast majority of those in attendance and voting at the Technical Meeting understand the impact of their votes.

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 Nos. 1075, 1722 and 1534 will not be included in Article 625 of the 2017 Edition of NFPA 70®, *National Electrical Code*®.

Council Members James Golinveaux and Richard Owen recused themselves during the hearing, deliberation and vote on this issue.