

SC #16-8-3-q
D#16-13



Dawn Michele Bellis
Secretary, Standards Council

8 August 2016

To: Interested Parties

Subject:

| | |
|---|--------------------|
| Standards Council Decision (Final): | D#16-13 |
| Standards Council Agenda Item: | SC#16-8-3-q |
| 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 16 (NEC-P16)
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): | D#16-13 |
| Standards Council Agenda Item: | SC#16-8-3-q |
| Date of Decision*: | 4 August 2016 |
| NFPA 70 [®] , <i>National Electrical Code</i> [®] , 2017 Edition | |

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 70-42 and Accept an Identifiable Part of Public Comment No. 1262.*

DECISION:

At its meeting of August 3 – 4, 2016, the Standards Council considered an appeal from Amy B. Cronin of Strategic Code Solutions, on behalf of Joel Goergen of Cisco Systems. The appeal requests that the Standards Council overturn the Association action on CAM 70-42 and Accept an Identifiable Part of Public Comment No. 1262 for inclusion in the 2017 Edition of NFPA 70[®], *National Electrical Code*[®]. Specifically, this appeal requests the modification of Section 840.160 to increase the allowed ampacity of communications cables when powering communications equipment and to add labeling requirements to equipment supplying premises power and communications.

As background, Code-Making Panel 16 rejected an Identifiable Part of Public Comment No. 1262. The Appellant filed a Notice of Intent to Make a Motion (NITMAM) which was certified by the Motions Committee as CAM 70-42. CAM 70-42 failed on the floor of the NFPA Technical Meeting. Appellant 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. 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. 1262 will not be included in the 2017 Edition of NFPA 70[®], *National Electrical Code*[®].

While the Council has voted to deny the appeal, it acknowledges that there may be value garnering additional input on Ethernet communications to inform future changes to the NEC[®]. Therefore, the Council directs the NEC[®] Correlating Committee Chair, Mike Johnston, to establish a broad based task group of CMP and non-CMP members to consider all appropriate actions including,

but not limited to, the filing of inputs to the code's next revision cycle and/or the filing of a TIA, if appropriate. Such task group should specifically include representation of those with knowledge and experience in telecommunications and Ethernet communications.

The Council also notes that Amy Cronin, on behalf of her client, Cisco Systems has contacted the Fire Protection Research Foundation on behalf of the Appellants inquiring about a potential research project regarding cable used in power over the Ethernet.

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