



Dawn Michele Bellis  
Secretary, Standards Council

8 August 2016

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#16-8</b>
Standards Council Agenda Item:	<b>SC#16-8-3-e</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 6 (NEC-P06)  
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 70-11 and Accept Public Comment No. 1401.*

**DECISION:**

At its meeting of August 3 – 4, 2016, the Standards Council considered an appeal from Travis Lindsey of Travis Lindsey Consulting Services, Inc. The appeal requests that Standards Council overturn the Association action on CAM 70-11 and Accept Public Comment No. 1401 for the 2017 Edition of NFPA 70<sup>®</sup>, *National Electrical Code*<sup>®</sup>. Specifically, the appeal requests that text deleted from Section 310.15(B)(3)(c) and Table 310.15(B)(3)(c) that addresses ambient temperature adjustments for rooftop conductors be reinserted.

As background, Code-Making Panel 6 removed this language and rejected Public Comment No. 1401 that sought to reverse this action. Mr. Lindsey filed a Notice of Intent to Make a Motion (NITMAM) that the Motions Committee certified as CAM 70-11. CAM 70-11 failed on the floor of the NFPA Technical Meeting.

The text subject to appeal did not gain sufficient support within the standards development process for inclusion in the 2017 Edition of NFPA 70<sup>®</sup>, *National Electrical Code*<sup>®</sup>. 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. 1401 will not be included in the 2017 Edition of NFPA 70<sup>®</sup>, *National Electrical Code*<sup>®</sup>.

In denying the appeal, the Council notes that Mr. Lindsey raised concerns in his appeal regarding the objectivity of the relevant CMP Chair and task group members. The Council reminds those participating in the NFPA standards development process that they are bound to follow the *Guide for the Conduct of Participants in the NFPA Standards Development Process* and that under this guidance, chairs of all committees have a particular obligation to act in a fair and impartial manner.

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