

**To:** All Affected Stakeholders and Department Divisions

**From:** Director of Public Utilities

**Date:** June 22, 2026

**Subject:** Pre-Adoption Procedures for Proposed Regulation, Article VII: Electric Utilities, Administrative Procedures

In accordance with Article II, Pre-Adoption Procedures of the Public Notice, Comment, and Hearing Procedures for Rules and Regulations (hereinafter "Public Notice Regulation"), this memorandum outlines the steps taken to develop and prepare the proposed Article VII: Electric Utilities Regulation (hereinafter "Article VII Regulation") for public review and adoption. This memo fulfills the requirements of Sections 2.01(a) and 2.02(a) of the Public Notice Regulation, ensuring transparency and compliance prior to formal adoption.

## **Section 2.01(a): Initial Development**

### **1. Identification of Need**

The need for this regulation arises from the requirement to establish comprehensive, uniform administrative procedures governing the City of Richmond's electric utility operations, including street lighting infrastructure, pole and facility records, construction and maintenance standards, inspection authority, joint use arbitration, wireless facility permitting, and the delegation of operational authority to the Department of Public Works. City Code Article VII (Sections 28-837 through 28-874) establishes a broad framework for electric utility governance but lacks detailed implementing standards, resulting in operational gaps, procedural inconsistencies, and potential non-compliance with rapidly evolving federal and state requirements.

This regulation addresses those gaps by codifying uniform procedures aligned with the National Electric Safety Code (NESC 2023), NFPA 70E 2024 Electrical Safety in the Workplace, Federal Communications Commission (FCC) wireless infrastructure rules (47 CFR Part 1), Virginia Code § 56-466.1 (pole attachment requirements), Virginia Code § 56-484.29 (wireless facility deployment), and American Public Power Association best practices. The regulation also formalizes the operational delegation to the Department of Public Works, providing clear accountability structures while preserving the Director of Public Utilities' authority over rate-setting, budget, rules, and fee administration under Richmond City Charter Chapter 13.

### **2. Preliminary Analysis of Potential Impacts**

A preliminary analysis indicates positive impacts on operational reliability, safety, and regulatory compliance across electric utility functions. Formalizing construction and maintenance standards under NESC 2023 and NFPA 70E 2024 is expected to reduce workplace incidents and infrastructure failures. Codified joint use arbitration procedures and wireless facility permit standards should reduce processing delays and legal uncertainty for attachers and applicants. The delegation framework for the Department of Public Works is expected to improve operational efficiency and response times while maintaining clear lines of accountability.

Potential risks include short-term administrative burdens during implementation and the 180-day training and certification phase-in for existing personnel. Wireless facility applicants and pole attachers may face updated compliance requirements, though transitional provisions preserve

existing permits and applications. No rate increases are proposed by this regulation; rate and fee authority remains governed by City Charter Chapter 13 and applicable City Code provisions.

### **3. Consultation with Affected Department Divisions**

Consultations were conducted with the Department of Public Works (as the operational delegatee for electric utility functions), the Department of Public Utilities Legal Services and Procurement Divisions, the Street Lighting and Electrical Distribution Operations unit, and relevant staff responsible for pole attachment administration, wireless facility permitting, and GIS records management. Feedback informed refinements to the delegation structure (Section 9), joint use arbitration timelines (Section 4), permit processing procedures (Sections 6 through 8), and the coordination and reporting requirements between departments (Section 9.02).

### **4. Consideration of Alternatives**

Alternatives evaluated included: maintaining reliance on existing City Code provisions without supplemental implementing regulations, which was rejected due to the absence of procedural detail needed for consistent enforcement of NESC, FCC, and Virginia requirements; adopting wholesale external model standards such as full FCC pole attachment rules or Virginia SCC model regulations, which was deemed overly prescriptive and insufficiently tailored to the City's operational structure; and implementing targeted policy updates to individual program areas without a unified regulatory framework, which was incorporated partially but expanded into a comprehensive regulation to ensure coherence across the electric utility program areas addressed by Article VII.

### **5. Preparation of Draft Language**

The draft language has been prepared in clear, understandable terms structured to minimize ambiguity, ensure legal precision, and maintain accessibility for regulated parties including contractors, pole attachers, wireless facility applicants, and City departments. The regulation is organized into nine substantive sections covering records and facility documentation, construction and maintenance standards, inspection authority, joint use arbitration, festival outlet procedures, wireless facility permitting, general permit terms, permit issuance criteria, and the delegation of operational authority to the Department of Public Works.

### **Section 2.02(a): Required Documents for Public Review**

The following materials have been prepared in convenient form for public review, as required by Section 2.02(a) of the Public Notice Regulation:

#### **1. Full Text of the Proposed Rule or Regulation**

The complete text of the Article VII Regulation has been finalized and is available for review at the Director's Office, 730 East Broad Street, Richmond, Virginia 23219, during regular business hours, and on the Department's website.

#### **2. Plain Language Summary**

A plain language summary has been completed, explaining the regulation in terms understandable to the general public. It describes how the regulation establishes clear, consistent procedures for managing the City's electric utility infrastructure—including street lighting poles, electrical construction and maintenance, safety inspections, joint use of utility poles, wireless facility

permits, and the arrangement under which the Department of Public Works performs day-to-day electric utility operations under the oversight of the Director of Public Utilities.

### **3. Statement of Basis and Purpose**

*Legal Authority:* This regulation is promulgated under the authority granted by Richmond City Code Article VII (Sections 28-837 through 28-874), which governs electric utility operations, facility records, construction and maintenance, street lighting, pole use fees, underground districts, and related functions. The Director's authority to promulgate implementing regulations is established by Richmond City Code Section 28-26. The regulation also implements requirements of Virginia Code § 15.2-2109 (municipal utility authority), Virginia Code § 56-466.1 (pole attachment), Virginia Code § 56-484.29 (wireless facility deployment), Virginia Code § 2.2-4343 (electronic procurement), FCC rules at 47 CFR Part 1, NESC 2023, and NFPA 70E 2024, and is adopted consistent with Richmond City Charter Chapter 13.

*Reasons Necessitating the Rule:* City Code Article VII provides foundational authority for electric utility operations but does not supply the detailed procedural standards required for consistent, compliant administration. The absence of codified implementing regulations has created operational ambiguity in areas including joint use arbitration timelines, wireless facility permit processing, contractor qualification requirements, and the accountability structure for delegated operations. Additionally, the rapid evolution of federal wireless deployment rules and updated national safety codes (NESC 2023, NFPA 70E 2024) necessitates a regulatory framework capable of incorporating current requirements and providing a stable reference for regulated parties.

*Objectives:* The primary objectives of the Article VII Regulation are to: establish clear, uniform procedures for electric facility record-keeping and GIS integration; codify NESC 2023 and NFPA 70E 2024 construction, maintenance, and safety standards applicable to all City electric utility work; provide due process protections for persons aggrieved by Director decisions; create an efficient and legally compliant joint use arbitration framework for pole attachment disputes; establish streamlined wireless facility permitting consistent with FCC shot-clock requirements and Virginia Code § 56-484.29; formalize operational delegation to the Department of Public Works with appropriate accountability and reporting structures; and preserve the Director of Public Utilities' exclusive authority over rate-setting, budget, rules, and fee administration.

*Alternatives Considered:* Alternatives included revising individual program-area policies piecemeal, which was rejected for inefficiency and the risk of inconsistency across program areas; adopting federal or state model regulations wholesale, dismissed as overly prescriptive and insufficiently tailored to Richmond's operational and governance structure; or limiting the regulation to wireless facility permitting only, which was insufficient to address the full range of operational gaps identified in the preliminary analysis. The chosen approach provides a unified implementing framework across all Article VII program areas.

### **4. Impact Analysis**

*Effects on Customers and Regulated Parties:* Residents and businesses will benefit from more reliable and safely maintained street lighting and electric infrastructure. Pole attachers and wireless facility applicants will benefit from defined processing timelines, clear application requirements, and codified appeal rights. The joint use arbitration framework provides a structured, time-bound process for resolving disputes, reducing uncertainty for all parties. Contractors performing electric

utility work will face standardized qualification requirements consistent with state licensing law and NFPA 70E 2024, improving safety outcomes.

*Financial Implications:* The Department anticipates initial implementation costs associated with staff training, GIS system enhancements, and database integration, offset by projected operational savings from improved asset management, reduced dispute resolution costs, and more efficient permit processing. Pole attachment and underground wire fees remain governed by existing City Code authority and are not modified by this regulation. No rate increases for electric service are proposed.

*Operational Changes:* Implementation will require training for personnel in both the Department of Public Utilities and the Department of Public Works on the updated delegation framework, safety certification requirements, and permit procedures. GIS and database systems will be enhanced to support real-time infrastructure documentation and 24/7 online access for authorized users. Coordination and reporting structures between the two departments will be established per Section 9.02, including monthly, quarterly, and annual reporting cycles.

*Environmental Considerations:* No significant adverse environmental effects are anticipated. The regulation supports environmental stewardship through underground district requirements that reduce overhead infrastructure, electrolytic corrosion prevention standards that protect public infrastructure and water systems, and vegetation management standards governing electrical distribution lines. The regulation aligns with applicable environmental review requirements under Virginia and federal law.

## 5. Implementation Plan

*Proposed Effective Date:* The regulation shall become effective upon approval after adoption and filing in the Director's Office, in accordance with Richmond City Code Section 28-26.

*Transition Procedures:* Existing permits for pole attachments and wireless facilities remain valid under their current terms until renewal. Pending applications will be processed under the new standards where more favorable to the applicant. Appeals of decisions made under prior practices shall follow the new appeal procedures established in Sections 1.03 and 8.03. Existing joint use agreements remain valid but may be updated to current standards upon renewal. Training and certification requirements for existing personnel will be phased in over 180 days following adoption.

*Customer Notification Methods:* Notifications will be issued through postings on the Department's website, social media announcements, and direct outreach to known stakeholders including pole attachers, wireless facility applicants, and the Department of Public Works. A public hearing will be held in-person during the comment period. All materials will be available in English and translated as requested, with accommodations for accessibility.

Signed by:



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Scott Morris, DBA, P.E.

Director, DPU