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DEPARTMENT OF
PUBLIC
UTILITIES

DIRECTOR'S FINAL REGULATORY ACTION

In accordance with Section 28-26 of the Code of the City of Richmond, Virginia (2020), I hereby make the following final decision regarding the proposed Article VII – Electric Utilities Regulation.

DECISION

The Article VII – Electric Utilities Regulation is hereby ADOPTED AS PROPOSED.

STATEMENT OF BASIS AND PURPOSE

Legal Authority: This action is taken pursuant to Section 28-26 of the Code of the City of Richmond, Virginia (2020), which vests the Director of Public Utilities with the power to make rules and regulations for the proper management, conduct, operation and control of the gas, wastewater, water, stormwater and electric utilities. Additional authority is provided by 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, and by Sections 28-889 through 28-894, which authorize the Director to issue, deny, and revoke permits for the attachment of wireless facilities to utility poles. The Regulation also implements requirements of Virginia Code § 15.2-2109 (municipal utility authority), Virginia Code § 56-466.1 (pole attachments), Virginia Code § 56-484.29 (wireless facility deployment), Virginia Code § 2.2-4343 (electronic procurement), Federal Communications Commission rules at 47 CFR Part 1, the National Electric Safety Code (NESC 2023), and NFPA 70E 2024, and is adopted consistent with Richmond City Charter Chapter 13.

Purpose: The Article VII – Electric Utilities Regulation establishes comprehensive, uniform administrative procedures governing the City's electric utility operations, including street lighting infrastructure, records of electric facilities, construction and maintenance standards, inspection authority, joint use arbitration, festival outlets on street lighting poles, wireless facility permitting, general permit terms and conditions, appeals and due process procedures, and the delegation of day-to-day operational authority to the Department of Public Works. The Regulation is aligned with the National Electric Safety Code (NESC 2023), NFPA 70E 2024 Electrical Safety in the Workplace, FCC wireless infrastructure rules, applicable Virginia Code requirements, and American Public Power Association best practices.

Necessity: This Regulation is necessary to:

1. Establish clear, uniform procedures for electric facility record-keeping, GIS integration, and infrastructure documentation as required by City Code Section 28-837.
2. Codify NESC 2023 and NFPA 70E 2024 construction, maintenance, and safety standards applicable to all City electric utility work, including contractor qualification and safety training requirements.

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3. Provide due process protections, including a structured two-level review process, for persons aggrieved by decisions made under the Regulation.
4. Create an efficient and legally compliant joint use arbitration framework for pole attachment disputes pursuant to City Code Section 28-862.
5. Establish streamlined wireless facility permitting consistent with FCC shot clock requirements, 47 CFR Part 1, and Virginia Code § 56-484.29.
6. Formalize the delegation of day-to-day electric utility operations to the Department of Public Works with clear accountability, coordination, and reporting structures.
7. Preserve the Director of Public Utilities' exclusive authority over rate-setting, budget, rules and regulations, and fee administration under Richmond City Charter Chapter 13 and applicable City Code provisions.

The Regulation balances several important considerations:

1. Safety and Reliability: Codified construction, maintenance, inspection, and training standards under NESC 2023 and NFPA 70E 2024 are expected to reduce workplace incidents and infrastructure failures while improving system reliability for residents and businesses.
2. Regulated Party Protections: Defined processing timelines, completeness review procedures, published approval criteria, written findings for denials and revocations, and codified appeal rights provide meaningful procedural safeguards for pole attachers, wireless facility applicants, and contractors.
3. Operational Clarity: The delegation framework in Section 10 assigns day-to-day operational functions to the Department of Public Works while retaining the Director of Public Utilities' authority over budget, rate-setting recommendations, rules, warehouse and inventory management, and fee administration, supported by defined coordination and reporting requirements.
4. Legal Compliance: The Regulation incorporates current federal wireless deployment rules, Virginia pole attachment and small wireless facility statutes, and national safety codes, providing a stable and current reference for regulated parties and City staff.

The adopted approach was selected following consultation with the Department of Public Works, the Department of Public Utilities Legal Services and Procurement Divisions, the Street Lighting and Electrical Distribution Operations unit, and staff responsible for pole attachment administration, wireless facility permitting, and GIS records management. Alternatives considered included continued reliance on existing City Code provisions without implementing regulations, wholesale adoption of external model standards, and piecemeal program-area policy updates; each was rejected in favor of a unified implementing framework across all Article VII program areas.

SUMMARY OF PUBLIC PARTICIPATION

Public Notice: Notice of the proposed Article VII – Electric Utilities Regulation and public hearing was published in the Richmond Times-Dispatch on June 30, 2026, providing more than the required ten (10) days advance notice in accordance with Richmond City Code Section 28-26(a)(2). The notice included information about the public hearing scheduled for July 14, 2026,

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and the opportunity to submit written comments prior to the hearing. Publication is confirmed by the publisher's advertising affidavit, newspaper reference number 0001567379.

Additional Notice Methods: The Department distributed notice through postings on the Department's website and social media announcements, and provided direct outreach to known stakeholders.

Public Inspection: The complete proposed Regulation was made available for public inspection in convenient form at the Director's Office, 730 East Broad Street, Richmond, Virginia 23219, and on the Department website for the required minimum ten (10) day period prior to the public hearing. The proposed Regulation was accessible at https://rva.gov/public-utilities/rulesandregulations.

Public Hearing: A public hearing was conducted on July 14, 2026, from 6:00 p.m. to 7:00 p.m. at 730 East Broad Street, Richmond, VA 23219, in accordance with Richmond City Code Section 28-26(a)(3). The hearing was conducted to provide an opportunity for all people to appear and be heard for or against the adoption of the proposed Regulation.

RESPONSE TO PUBLIC COMMENTS

Written Comments Received: None.

Public Attendance: None.

Oral Comments at Public Hearing: None.

Analysis of Public Comments: Not Applicable.

EFFECTIVE DATE AND IMPLEMENTATION

Effective Date: The Article VII – Electric Utilities Regulation shall become effective upon the Director's approval and filing in the Director's Office as required by City Code.

Implementation:

1. The Regulation shall be filed in the Director's Office as required by Richmond City Code Section 28-26(a)(4).
2. Electronic copies will be made available on the Department website at https://rva.gov/public-utilities/rulesandregulations.
3. Training for personnel of the Department of Public Utilities and the Department of Public Works on the delegation framework, safety certification requirements, and permit procedures will be conducted, with training and certification requirements for existing personnel phased in over 180 days following adoption.
4. Stakeholder notification will be provided through the Department website, social media announcements, and direct outreach to known stakeholders, with materials available in English, translated as requested, and provided with accommodations for accessibility.
5. Existing permits for pole attachments and wireless facilities remain valid under their current terms until renewal; pending applications will be processed under the new

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standards where more favorable to the applicant; and existing joint use agreements remain valid but may be updated to current standards upon renewal.

6. Appeals of decisions made under prior practices shall follow the appeal procedures established in the Regulation.
7. Coordination and reporting structures between the Department of Public Utilities and the Department of Public Works will be established pursuant to Section 10.02, including monthly, quarterly, and annual reporting cycles, and the effectiveness of the delegation arrangement will be reviewed annually by both Directors pursuant to Section 10.03.
8. The Regulation supersedes and replaces any prior Director's rules, regulations, or administrative orders governing the subject matter of Article VII of Chapter 28 of the Richmond City Code, to the extent of any conflict.

SUMMARY OF REGULATORY PROVISIONS

The Article VII – Electric Utilities Regulation is organized in ten (10) Sections addressing the following subjects:

Section 1 – Records of Facilities (Sections 1.01–1.03): Provides operative definitions and establishes comprehensive facility documentation requirements under City Code Section 28-837, including a complete pole inventory with GPS coordinates, attachment records, inspection histories, real-time GIS integration, attachment documentation standards for pole users, record retention in accordance with Library of Virginia retention schedules, and technology integration standards for inspection and data management systems.

Section 2 – Construction and Maintenance Standards (Sections 2.01–2.02): Establishes prioritization criteria for construction and maintenance as funds are made available, requires compliance with NESC 2023 and NEC 2023, sets NFPA 70E 2024 safety training and certification requirements, codifies contractor qualification standards and the contractor approval process under City Code Section 28-871, defines standards for placement of streetlight facilities in utility easements under Section 28-874, and establishes emergency response authority and an emergency management framework.

Section 3 – Inspection Authority and Procedures (Sections 3.01–3.02): Establishes a comprehensive inspection program under City Code Section 28-860, including 48-hour investigation of safety-related inspection requests, post-construction verification, joint inspections, red-tagged pole tracking, written designation requirements for alterations or removals, pole attachment compliance procedures under Virginia Code § 56-466.1, and performance standards and metrics covering infrastructure condition, safety, and customer service.

Section 4 – Joint Use Arbitration Procedures (Sections 4.01–4.02): Implements City Code Section 28-862 by establishing the Director's authority to require joint use of poles and conduits upon written findings, pre-dispute good faith negotiation requirements, Board of Arbitration procedures with final and binding majority decisions subject to the Virginia Uniform Arbitration Act, cost allocation standards including proportional cost sharing and red-tagged pole replacement protections, and modern joint use agreement and technical standards.

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Section 5 – Festival Outlets on Street Lighting Poles (Section 5.01): Restricts festival outlets to City use with ornamental festival lighting under City Code Section 28-872 and establishes technical compatibility, load analysis, installation, GFCI protection, and annual inspection requirements.

Section 6 – Wireless Facilities Permit Regulations (Sections 6.01–6.03): Establishes permit issuance standards under City Code Sections 28-889 and 28-891 consistent with FCC shot clock requirements, including a 10-day completeness review, 60- to 150-day review periods by application type, automatic approval provisions, application content requirements, denial and cure procedures, electronic processing requirements, and fee conformance with Virginia Code § 56-484.29.

Section 7 – General Permit Terms and Conditions (Sections 7.01–7.02): Establishes insurance, bonding, and performance security requirements for permittees and contractors under City Code Section 28-892, standards for permit modifications by the Director, and alternative security mechanisms.

Section 8 – Permit Issuance Criteria and Procedures (Sections 8.01–8.02): Establishes streamlined electronic processing standards, transparency requirements including published application forms, timelines, fee schedules, and performance metrics, and permit denial and revocation procedures under City Code Sections 28-892 through 28-894, including written findings, cure periods, and expedited handling of safety threats.

Section 9 – Appeals and Due Process Procedures (Section 9.01): Establishes a two-level review process for persons aggrieved by decisions under the Regulation, with first-level review by an uninvolved supervisor within ten (10) business days and final administrative review before a designated presiding officer with a recommendation to the Director within thirty (30) days, along with expedited review for safety hazards and federal shot clock deadlines and continuation of permits during review.

Section 10 – Delegation of Operational Authority (Sections 10.01–10.04): Delegates day-to-day electric utility operations, including street lighting, to the Director of Public Works while the Director of Public Utilities retains exclusive authority over budget development, rate-setting recommendations, rules and regulations, warehouse and inventory management, and fee setting and collection; establishes inventory, operational, City Code compliance, and budget coordination reporting requirements; and provides administrative provisions addressing personnel management, conflict resolution, annual review, and preservation of Charter and Code authority.

The Regulation concludes with authority and effective date provisions, a severability clause, a supersession clause, and transition provisions governing existing permits, pending applications, appeals, joint use agreements, and personnel training.

FINANCIAL IMPLICATIONS

The Article VII – Electric Utilities Regulation is primarily an administrative regulation that codifies uniform implementing procedures for electric utility functions already authorized by City Code. Financial implications are as follows:

1. Implementation Costs: The Department anticipates initial implementation costs associated with staff training, GIS system enhancements, and database integration.

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These costs will be absorbed within existing operating budgets and are expected to be offset by projected operational savings from improved asset management, reduced dispute resolution costs, and more efficient permit processing.

2. Rates and Fees: No rate increases for electric service are proposed by this Regulation. Pole attachment and underground wire fees remain governed by existing City Code authority under Sections 28-864, 28-866, and 28-867 and are not modified by this Regulation. Fees for small wireless facility applications and permits shall conform to the limitations prescribed by Virginia Code § 56-484.29.
3. Delegation Efficiencies: The delegation of day-to-day operations to the Department of Public Works is designed to achieve operational efficiencies by utilizing existing field crews, equipment, and expertise, thereby avoiding duplication of resources and reducing costs to ratepayers.
4. Offsetting Benefits: Standardized contractor qualifications, codified safety requirements, defined permit processing timelines, and structured dispute resolution procedures are expected to reduce workplace incidents, infrastructure failures, processing delays, and legal uncertainty over time.

FILING REQUIREMENT

In accordance with Richmond City Code Section 28-26(a)(4), a true copy of this decision and the adopted Article VII – Electric Utilities Regulation shall be filed in the Director's Office.

Signed by:
Scott morris
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Scott Morris, DBA, P.E.
Director of Public Utilities
City of Richmond

Effective Date: July 20, 2026

DEPARTMENT OF
PUBLIC UTILITIES

ARTICLE VII
Electric Utilities Regulations

City of Richmond Department of Public Utilities
730 E. Broad Street, Richmond, Virginia 23219

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Section 1: RECORDS OF FACILITIES

Authority: Richmond City Code § 28-837: "The Director shall keep on file suitable records showing electric wiring, poles, streetlights and other facilities owned, rented, maintained or used by the electric utility"; Va. Code § 15.2-2109; Va. Code § 2.2-4343 (Electronic Procurement Requirements); NESC 2023; NFPA 70E 2024; Virginia Freedom of Information Act

Section 1.01: DEFINITIONS

Authority: Richmond City Code § 28-836; Richmond City Code § 28-26; Va. Code § 15.2-2109.

For purposes of this Regulation, the following terms shall have the meanings set forth below. Terms defined in Richmond City Code § 28-836 shall have the same meanings ascribed to them therein unless otherwise specified.

"Department" means the City of Richmond Department of Public Utilities.

"Director" means the Director of Public Utilities or, where authority has been delegated pursuant to Section 10 of this Regulation, the Director of Public Works acting within the scope of such delegation.

"Gain" means the location of an electrical wire on an electrical streetlight pole, as defined in Richmond City Code § 28-836.

"Make-ready work" means the work, including any engineering, construction, or rearrangement, necessary to make a utility pole or associated infrastructure ready for a new attachment or facility.

"Permittee" means any person or entity to whom the Director has issued a permit under this Regulation.

"Small wireless facility" has the meaning ascribed to that term under Va. Code § 56-484.26, as amended.

"Underground district" means an area in the City where no overhead streetlights, wires, or poles are allowed installed above the grade line, as defined in Richmond City Code § 28-836 and further described in Richmond City Code § 28-861.

Section 1.02. Comprehensive Facility Documentation Requirements

(a) Infrastructure Inventory System: The Director shall maintain suitable records as required by Richmond City Code § 28-837. For purposes of this section, 'suitable records' shall include:

1. Complete pole inventory with GPS location coordinates of appropriate accuracy for asset management purposes;
2. Pole specifications including height, class, and installation date;
3. Attachment records identifying all users, attachment types, installation dates, and NESC compliance status;
4. Inspection histories and maintenance schedules; and
5. Real-time GIS integration with unified asset management system.

(b) Attachment Documentation Standards: All persons utilizing City utility poles shall provide and maintain current documentation including:

1. Signed attachment agreements with current contact information and emergency notification procedures;
2. Technical specifications for all attached equipment meeting NESC 2023 standards;
3. Proof of insurance meeting the minimum coverage amounts established by City Code.;
4. Qualified contractor certification records; and
5. As-built drawings for modifications or new installations showing compliance with clearance requirements.

(c) Record Retention and Access

1. Records shall be maintained in accordance with the appropriate Library of Virginia Retention Schedules.

Section 1.03. Technology Integration Requirements

(a) Modern Inspection Technologies. The Department should implement the following technologies in the inspection, maintenance, and documentation of utility infrastructure:

1. Mobile GIS applications for field data collection with real-time synchronization;
2. Infrared thermography for electrical connection monitoring and preventive maintenance;
3. Best available control technology for pole condition assessment; and
4. Digital documentation systems for inspection reports and compliance tracking.

(b) Database Standards. The Department should implement and maintain data management systems that satisfy the following standards:

1. Integration with permit processing systems and automated workflow management;
2. 24/7 online access portal for authorized users with role-based security; and
3. Data analytics capabilities for predictive maintenance and asset management.

Section 2: CONSTRUCTION AND MAINTENANCE STANDARDS

Authority: Richmond City Code § 28-838: "The Director shall construct and maintain plants, substations, transmission lines, distribution lines, street lighting lines, cables, conduits, manholes and other electrical appurtenances necessary for the operation of the electric utility, as funds for such purposes are made available"; Richmond City Code § 28-871: "All requests for work of installing, altering, removing or repairing electrical street lighting fixtures shall be done by agents or employees of the Department and approved by the Director"; Richmond City Code § 28-874: "The Director shall determine when streetlight facilities shall be constructed in utility easements"; Va. Code § 15.2-2109; National Electric Safety Code (NESC) 2023; NFPA 70E 2024; Va. Code § 56-466.1; American Public Power Association Standards; City of Richmond –

Section 2.01. Technical Construction Standards

(a) Prioritization of Construction and Maintenance: As required by Richmond City Code § 28-838, all electrical construction and maintenance activities shall be conducted as funds are made available. The Director shall prioritize projects based on:

1. Immediate safety hazards and public health threats requiring emergency response;
2. System reliability and service continuity requirements;
3. Regulatory compliance mandates with specific deadlines;
4. Infrastructure age and condition assessments using industry-standard methodologies;
5. Economic development and community benefit analysis; and
6. Environmental and historic preservation requirements.

(b) National Electric Safety Code Compliance: All electrical construction and maintenance shall comply with NESC 2023 and NEC 2023.

(c) Safety Training Requirements:

1. NFPA 70E 2024 training for all qualified persons working on or near electrical equipment;
2. Three-year certification validity periods with annual refresher training requirements;
3. Mandatory training for work within limited approach boundary of exposed energized parts (50+ volts);
4. Enhanced electrical safety risk assessment procedures including job briefings;
5. Arc flash hazard analysis and personal protective equipment requirements;
6. Emergency response and rescue training for electrical incidents; and
7. Contractor safety orientation and verification of training compliance.

(d) Contractor Qualification Standards: Per Richmond City Code § 28-871, the Director's approval shall be based on:

1. Virginia Class A contractor license for electrical work or appropriate specialty license;
2. Minimum general liability insurance at the coverage amounts established by City Code;
3. Workers' compensation insurance per Virginia requirements with current certificates;
4. Must complete a four-year apprenticeship program or at least 4 years of documented practical experience for journeyman lineman;
5. Minimum 4 years experience or 8,000 hours on-the-job training for journeyman electricians;
6. Master electrician supervision requirement of 12,000+ hours experience;

7. State-administered NEC-based examination certification;
8. NFPA 70E 2024 safety certification for all personnel; and
9. Performance and payment bonding as required by applicable state law.

(e) Contractor Approval Process:

1. Contractors must submit plans and specifications for approval by the Director meeting NESC 2023 standards;
2. Contractors must satisfy the Director regarding their ability and qualifications to perform the required work;
3. Contractors must provide a letter of authorization for the City to bill the requestor for any expenditures incurred beyond the required deposit;
4. Contractors must submit a deposit reflecting an estimate of the cost required to perform the requested work;
5. Environmental and historic preservation review coordination when required; and
6. Quality assurance and quality control procedures verification.

(f) Easement Use: Per Richmond City Code § 28-874, the Director shall determine, in their opinion, when streetlight facilities are placed in utility easements. Facilities shall be placed in easements only when there is no practical method of conveying them in public streets, alleys, or other public ways. For purposes of this section, "no practical method" means one or more of the following conditions exist, as determined by the Director:

1. Physical obstructions prevent placement in public rights-of-way;
2. Placement in public streets would violate NESC clearance requirements;
3. Existing underground utilities occupy available public right-of-way space; or
4. Property owner dedication provides more efficient routing with written consent and appropriate easement documentation.

(g) The Director's determination of "no practical method" shall consider factors including, but not limited to:

1. Installation costs in public rights-of-way exceeding 150% of easement installation costs;
2. Required excavation damaging existing infrastructure;
3. Public safety being compromised by placement in public streets; and
4. Environmental or historic preservation concerns.

Section 2.02. Emergency Response Authority

Authority: Va. Code § 15.2-2109; Va. Code § 44-146.21 Virginia Emergency Services and Disaster Law; American Public Power Association Emergency Management Standards

(a) Emergency Powers: The Director, in coordination with the Director of Emergency Communications, Preparedness & Response is authorized to:

1. Implement immediate emergency response measures to protect public safety during utility emergencies
2. Authorize emergency construction and maintenance outside normal procedures when public safety is threatened
3. Coordinate with other utilities
4. Access emergency funding mechanisms as provided by City Charter and Virginia law
5. Suspend normal permitting procedures during declared emergencies while maintaining safety standards

(b) Emergency Management Framework: The Director shall implement emergency management procedures following the American Public Power Association's four-phase emergency management cycle:

1. Mitigation: Risk assessment, infrastructure hardening, and preventive measures
2. Preparedness: Emergency planning, training, resource pre-positioning, and mutual aid coordination
3. Response: Immediate actions during emergencies including damage assessment and restoration priorities
4. Recovery: Long-term restoration, lessons learned, and system improvements

Section 3: INSPECTION AUTHORITY AND PROCEDURES

Authority: Richmond City Code § 28-860: "All electrical work and equipment in, over or under the City streets shall be maintained in good condition. The Director shall, at all times, have power to examine and inspect such work and equipment. When any of such work or equipment shall need changing in size or location, replacing, being made safe or put in proper condition or appearance, the owner of such work or equipment shall immediately proceed to make the alterations or removals which the Director shall designate in writing"; Va. Code § 15.2-2109; Va. Code § 56-466.1; NESC 2023; NFPA 70E 2024; Joint Use Best Practices City Code § 28-860; City of Richmond – Department of Public Utilities – Street Lighting and Electrical Distribution Design Guidelines, Standard Specifications, and Details

Section 3.01. Inspection Authority and Scheduling

(a) Comprehensive Inspection Program: The Director shall maintain inspection authority including:

1. Scheduled compliance inspections based on the lifecycle requirements of the asset using multiple inspection methods.
2. Requests for inspections involving safety concerns will take priority over non-safety issues and be investigated within 48 hours.
3. Post-construction verification for all new installations and modifications in compliance with right-of-way management protocols.

4. Joint inspections with other utilities for shared infrastructure consistent with the Franchise Agreement and NESC standards
5. Red-tagged pole identification and tracking per Va. Code § 56-466.1

(b) Written Designation Requirements: Per Richmond City Code § 28-860, when requiring alterations or removals of electrical work and equipment, the Director's written designation shall:

1. Identify specific National Electrical Code violations or safety concerns with reference to applicable standards;
2. Reference applicable standards (NESC 2023, City Code, NFPA 70E, etc.);
3. Provide reasonable timeframes for compliance based on severity;
4. Include requirements to appeal a decision and contact information;
5. Specify consequences of non-compliance including enforcement actions; and
6. Provide cost estimates for required work shall only be valid for 30 days and available upon request.

(c) Pole Attachment Compliance Per Va. Code § 56-466.1:

1. Completeness review for attachment applications with detailed deficiency notice
2. Good faith negotiation requirements with telecommunications providers and cable companies

Section 3.02. Performance Standards and Metrics

Authority: Richmond City Code § 28-860; Va. Code § 15.2-2109; NESC 2023; American Public Power Association Standards; Industry Reliability Standards

(a) Reporting and Documentation**.** The Director shall maintain performance records sufficient to evaluate system condition, safety metrics, and compliance status on a basis consistent with the reporting requirements established in this Regulation

(b) Infrastructure Condition Standards:

1. Pole inspection and replacement schedules based on age and condition;
2. Underground system integrity testing and maintenance requirements;
3. Vegetation management standards for overhead lines;
4. Equipment maintenance and replacement cycles; and
5. Technology upgrade planning and implementation.

(c) Safety Performance Metrics:

1. Workplace safety incident tracking and prevention;
2. Public safety incident prevention and response;
3. NESC compliance rate and violation resolution tracking; and
4. Training compliance and certification maintenance.

(d) Customer Service Standards:

1. Customer complaint resolution procedures and timeframes;
2. Service quality measurement and improvement; and
3. Accessibility and language accommodation.

Section 4: JOINT USE ARBITRATION PROCEDURES

Authority: Richmond City Code § 28-862: "Persons may apply to the owners of existing poles and conduits in the streets for permission to install their wires or cables on the existing poles or conduits... If the parties cannot agree upon satisfactory terms and conditions, the Director may require the owner of the poles and conduits to permit the desired joint use upon terms to be fixed by a Board of Arbitration"; Va. Code § 15.2-2109; Va. Code § 56-466.1 (as guidance); Virginia Uniform Arbitration Act; Joint Use Best Practices; City of Richmond – Department of Public Utilities – Street Lighting and Electrical Distribution Design Guidelines, Standard Specifications, and Details.

Section 4.01. Dispute Resolution Framework

(a) Director's Authority to Require Joint Use: Per Richmond City Code § 28-862, the Director will provide all affected parties a reasonable opportunity (not less than 15 business days) to submit technical information, engineering analyses, or objections prior to authorization. Director may require joint use when:

1. Technical feasibility is demonstrated through engineering analysis meeting NESC 2023 standards or City of Richmond – Department of Public Utilities – Street Lighting and Electrical Distribution Design Guidelines, Standard Specifications, and Details, whichever is more protective of City Electric Utility infrastructure;
2. Safety standards can be maintained per NESC requirements without compromise;
3. No reasonable alternative exists that would serve the public interest;
4. The requirement serves the public interest including service reliability and cost; efficiency
5. Structural capacity analysis confirms pole can safely support additional attachments; or
6. Environmental and historic preservation concerns are addressed;

The Director's determination shall be in writing with findings of fact and technical justification.

(b) Pre-Dispute Resolution Requirements

Prior to initiating formal arbitration, the following requirements apply consistent with the principles in Va. Code § 56-466.1:

1. Good faith negotiation period of 60 days before formal dispute resolution is initiated
2. Cost-sharing for pole replacements proportional to usage and benefit received
3. Documentation requirements for disputes include technical specifications, cost analyses, and any other documents that clarify the position of the disputing party.

4. The Director may permit interim use of the facilities upon the applicant's provision of a suitable bond.

(c) Arbitration Procedures

1. Arbitration for unresolved disputes, with one arbitrator appointed by each party and a third selected by those appointees; Director may appoint if parties fail to select within 15 days (or within 30 days for the third arbitrator) as detailed in City Code § 28-862. The decision of the majority of the Board of Arbitrators shall be final and binding.
2. Arbitration costs split equally between parties unless arbitrators determine otherwise
3. Arbitration decisions subject to appeal as provided by Virginia Uniform Arbitration Act, Va. Code § 8.01-581.01 et. seq.

(d) Cost Allocation Standards:

1. Proportional cost sharing for pole replacement benefiting multiple attachers, consistent with the principles in Va. Code § 56-466.1.
2. Make-ready work costs shared proportionally based on attachment usage and benefit received.
3. Emergency repair costs are allocated based on attachment usage causing or contributing to need for repair.
4. Replacement costs for red-tagged poles shall not be assessed against the requesting attacher for the replacement itself; allocation of any remaining costs associated with such replacement shall be determined through the cost-allocation procedures in this Section or, if disputed, through arbitration. Incremental costs for upgraded facilities allocated to requesting party.
5. Annual true-up procedures for actual costs versus estimates.

Section 4.02. Modern Joint Use Standards

Authority: Richmond City Code § 28-862; Va. Code § 56-466.1; NESC 2023; Joint Use Industry Best Practices; American Public Power Association Standards

(a) Joint Use Agreement Requirements:

1. Clear allocation of ownership, maintenance, and replacement responsibilities;
2. Insurance and indemnification requirements with minimum coverage levels;
3. Safety and compliance standards including NESC 2023 and applicable occupational electrical safety requirements under 29 C.F.R. Part 1910, Subpart S;
4. Emergency response and notification protocols with 24/7 contact information;
5. Dispute resolution procedures including good faith negotiation and arbitration;
6. Annual inspection and maintenance coordination procedures;
7. Technology upgrade accommodation and cost sharing procedures; and
8. Detailed application, permitting, and make-ready procedures, including timelines for completeness review, survey/response, estimates, and rearrangement completion,

consistent with industry best practices including FCC One-Touch Make-Ready (47 C.F.R. §§ 1.1411–1.1415) timelines, APPA pole attachment guidelines, and applicable Virginia law.

(b) Technical Standards:

1. Structural capacity analysis for all shared facilities;
2. NESC 2023 clearance requirements for all attachments;
3. Loading calculations including ice and wind loading per local conditions;
4. Grounding and bonding coordination between utilities;
5. RF interference mitigation for wireless attachments;
6. Cybersecurity requirements for smart grid and communication equipment; and
7. Adherence to the City's current design, construction, and right-of-way management standards and any applicable broadband deployment policies.

(c) Performance Management:

1. Coordinated maintenance scheduling to minimize service disruptions;
2. Shared emergency response capabilities and mutual aid provisions;
3. Regular joint inspections with shared costs thereof;
4. Performance metrics for shared infrastructure reliability;
5. Cost tracking and allocation verification procedures; and
6. Technology upgrade planning and coordination.

Section 5: FESTIVAL OUTLETS ON STREET LIGHTING POLES

Authority: Richmond City Code § 28-872; Va. Code § 15.2-2109; NESC 2023: "Festival outlets on street lighting poles are solely for the purpose or use of the City for use with ornamental festival lighting. Such lighting shall be compatible with the existing system and approved by the Director"

Section 5.01. Approval Process

(a) Authorized Use: Festival outlets are solely for City use with ornamental festival lighting.

(b) Technical Requirements: Festival lighting must be compatible with the existing system and approved by the Director including:

1. Voltage and current compatibility with existing street lighting circuits
2. Load analysis to ensure circuits are not overloaded
3. NESC 2023 and 29 C.F.R. Part 1910, Subpart S safety compliance
4. Weather-resistant equipment rated for outdoor use
5. Proper grounding and circuit protection

6. Structural capacity analysis

(c) Installation Requirements:

1. Connections must not overload circuits and must include load calculations
2. All connections must be made by qualified City street lighting personnel
3. All connections must be equipped with appropriate safety apparatus including GFCI protection
4. Festival lighting must operate at voltage and current levels compatible with the existing street lighting control system
5. Temporary installations must include removal timeline and responsibility

(d) Safety and Compliance:

1. Annual inspection of festival outlet installations
2. Documentation of all temporary connections and removals
3. Emergency contact procedures for festival lighting issues

Section 6: WIRELESS FACILITIES PERMIT REGULATIONS

Authority: Richmond City Code § 28-889: "the Director is authorized to issue and renew permits, approved as to form by the City Attorney, to wireless services providers for the attachment of wireless facilities to utility poles"; Richmond City Code § 28-891: "The Director or the designee thereof may deem as incomplete any application not containing all of the following information"; Va. Code § 15.2-2109; Va. Code § 56-484.29; 47 USC § 253; 47 CFR Part 1 (Updated 2024); Telecommunications Act of 1996

Section 6.01. Federal Compliance Framework

(a) Permit Issuance Standards: Per Richmond City Code § 28-889, the Director is authorized to issue permits in accordance with federal shot clock requirements:

1. Within 10 days after receipt of an application, the Director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete.
2. Complete applications meeting all requirements shall be processed as follows:
   i) 60-day review period for collocation applications of small wireless facilities using existing structures.
   ii) 90-day review period for collocation applications of small wireless facilities using new structures.
   iii) 90-day review period for deployment of small wireless facilities using new structures.
   iv) 150-day review period for deployment of non-small wireless facilities using new structures.

These shot clocks are designed to expedite the approval process and reduce delays in the deployment of wireless services. The FCC's rules apply to all types of permits and authorizations for wireless facilities, and if there is a conflict, the rule that most limits local authority will control.

3. Automatic approval provisions:
    i) Applications deemed complete that are not acted upon within shot clock periods shall be deemed approved.
    ii) Incomplete applications stop the shot clock until deficiencies are cured.
    iii) Extensions are only permitted for mutual agreement or extraordinary circumstances as determined by the Director.
4. Permits shall be issued when applications demonstrate:
    i) Technical compliance with current FCC regulations including RF safety standards;
    ii) Required insurance coverage meeting City requirements;
    iii) Payment of applicable fees consistent with Richmond City Code; and
    iv) Compliance with NESC 2023 safety and clearance requirements.
5. Denials shall be in writing with specific reasons based on applicable law and regulations in accordance with Section 8.02

(b) Federal and State Compliance Requirements:

1. Adherence to FCC pole attachment regulations under 47 CFR Part 1 Subpart J.
2. Compliance with small cell requirements per Va. Code § 56-484.29.
3. Telecommunications Act Section 253 nondiscrimination requirements.
4. Current FCC safety standards and bulletins FCC OET Bulletin 65.
5. Environmental and historic preservation coordination when required.
6. Americans with Disabilities Act compliance for installations.

Section 6.02. Application Requirements

(a) Completeness Determination: Per Richmond City Code § 28-891, the Director shall process all applications in compliance with Va. Code § 56-484.29 and review the application for the following required items:

1. All elements listed in Richmond City Code § 28-891(b);
2. Applicant’s contact information and authorized representative;
3. Site plan showing proposed facility location and specifications;
4. Photo simulations for visual impact assessment when required;
5. Structural capacity analysis for pole attachments;

6. RF compliance documentation per FCC standards;
7. Insurance certificates meeting City requirements;
8. RF safety documentation per current FCC guidelines, e.g. OET Bulletin 65;
9. Compliance with applicable spectrum coordination requirements;
10. Structural capacity analysis for pole attachments;
11. NESC 2023 clearance and safety compliance;
12. Environmental assessment for installations in sensitive areas;
13. Historic preservation review coordination when applicable; and
14. Interference analysis for existing wireless services.

(b) Application Denial shall:

1. Provide written notice specifying all deficiencies with reference to specific requirements.
2. Allow 30 days for applicant to cure deficiencies. Failure to complete the application within this timeframe shall result in the application being denied. Reapplication will be processed as a new permit and require submittal of an additional permit fee.
3. Include written findings demonstrating how the application fails to meet published criteria with specific reference to applicable law and regulations as prescribed in section 8.02.

(c) Electronic Processing Requirements:

1. 24/7 online application portal with automated acknowledgment;
2. Electronic permit delivery system with digital signatures;
3. Digital signature capability for all documents; and
4. Automated status tracking and notifications for applicants.

Section 6.03. Virginia State Law Compliance

Authority: Va. Code § 56-484.29; Va. Code § 15.2-2109; Richmond City Code § 28-889; FCC Small Cell Order

(a) Application Processing will be conducted in compliance with Va. Code § 56-484.29

(b) Fee Conformance. When establishing or adjusting fees for small wireless facility applications and permits, the Director shall ensure that all such fees conform to the limitations prescribed by Va. Code § 56-484.29, as amended. The Director shall review all applicable fee schedules for conformance with Va. Code § 56-484.29 whenever that section is amended by the General Assembly.

Section 7: GENERAL PERMIT TERMS AND CONDITIONS

Authority: Richmond City Code § 28-892: Sets forth general terms and conditions for permits including modification authority; Va. Code § 15.2-2109; 47 USC § 253; NESC 2023; NFPA 70E 2024; Insurance Industry Standards

Section 7.01. Insurance and Bonding Requirements

(a) Insurance Requirements:

1. Commercial general liability and Professional liability insurance at the minimum coverage amounts established by City Code;
2. Automobile liability coverage for vehicles used in operations;
3. Workers' compensation requirements per Virginia law with current certificates;
4. Umbrella or excess liability coverage for major installations; and
5. 30-day notice of cancellation or material modification to City.

(b) Contractor Bonding Requirements:

1. Performance and payment bonds as required by applicable Virginia law;
2. Maintenance bonds for complex installations requiring ongoing performance;
3. Acceptable surety companies rated A- or better by A.M. Best Company; and
4. Equipment removal bond for wireless facilities to ensure proper decommissioning.

(c) Permit Modifications: Per Richmond City Code § 28-892, permit modifications by the Director shall be:

1. Based on documented changes in law, safety requirements, or system needs;
2. Provided with 30 days written notice except for emergency safety issues;
3. Subject to appeal procedures established in this regulation;
4. Approved as to form by the City Attorney;
5. Include cost impact analysis for permit holder; and
6. Allow for public comment on significant modifications affecting multiple parties.

Section 7.02. Performance Security and Financial Requirements

Authority: Richmond City Code § 28-892; Va. Code § 15.2-2109; Surety Bond Industry Standards

(a) Performance Security Requirements:

1. Surety bonds for major projects as required by Virginia law;
2. Letter of credit acceptable for established companies with strong financial ratings;
3. Equipment removal bond for wireless facilities to ensure proper decommissioning;

4. Financial capacity demonstration for long-term maintenance obligations; and
5. Annual financial reporting for major permit holders.

(b) Project-Specific Requirements:

1. Underground installations requiring specialized bonds for restoration;
2. Historic district installations with enhanced restoration requirements;
3. Emergency response capability bonds for critical infrastructure;
4. Technology upgrade escrow accounts for future compatibility requirements; and
5. Environmental remediation bonds when applicable.

(c) Alternative Security Mechanisms:

1. Cash deposits for small projects under $50,000;
2. Corporate guarantees from financially qualified parent companies;
3. Pooled insurance arrangements for multiple small installations;
4. Municipal self-insurance programs where legally authorized; or
5. Risk retention groups for specialized wireless providers.

Section 8: PERMIT ISSUANCE CRITERIA AND PROCEDURES

Authority: Richmond City Code §§28-892, 28-893, 28-894: "The Director may issue and renew one or more permits to the same permittee"; Va. Code § 15.2-2109; 47 USC § 253; 47 CFR Part 1 (Updated 2024); Va. Code § 56-484.29; Due Process Requirements

Section 8.01. Streamlined Processing Requirements

(a) Electronic Processing Standards:

1. Digital plan review and approval systems with markup capabilities
2. Electronic permit issuance and delivery with digital signatures
3. Integration with other City departments for coordinated review

(b) Transparency Requirements: The Director shall maintain and publish on the City webpage:

1. Standard permit application forms with detailed instructions;
2. Processing timelines with milestone tracking;
3. Fee schedules updated annually with inflation adjustments;
4. Approval criteria based on applicable law and technical standards;
5. Appeal procedures with contact information and timelines;
6. Performance metrics for permit processing times and approval rates; and
7. Annual report on permit activities and system improvements.

Section 8.02. Permit Denial and Revocation Procedures

(a) Permit Denial: Per Richmond City Code § 28-894(a), the Director shall deny a permit application upon determining non-compliance with any requirement of Division 3 of Article VII of City Code, existing permits, or applicable Federal, State, or local laws, rules, and regulations.

The Director's denial shall:

1. Be issued in writing within the timelines specified in Section 6.01(a);
2. Specify the reasons for denial, referencing applicable standards or violations with specific citations;
3. Include appeal procedures consistent with this regulation;
4. Be delivered electronically to the applicant's designated contact per Section 6.02(b);
5. Provide opportunity for resubmission with corrections, with repayment of permit fee; and
6. Include cost impact analysis if denial requires alternative solutions.

(b) Permit Revocation: Per Richmond City Code §§ 28-892 and 28-894, the Director may revoke a permit upon determining non-compliance with Division 3, permit conditions, or applicable laws and regulations, or if the wireless facility poses a threat to public safety, health, or welfare. Revocation procedures shall include:

1. Written notification to the permittee, specifying the reasons for revocation, referencing applicable standards or safety concerns;
2. Opportunity for cure period of 30 days for non-safety violations;
3. For imminent safety threats only, immediate removal authority by the Director at the permittee's expense; for non-emergency situations, court order required for removal;
4. Appeal procedures consistent with Section 8.03 with expedited review for safety issues;
5. Electronic delivery of revocation notices via the permittee's designated contact per Section 6.02(b); and
6. Coordination with other affected utilities and service providers.

(c) Documentation and Transparency: All denial and revocation decisions shall:

1. Include written findings demonstrating how the application or permit fails to meet published criteria, per Section 8.01(b);
2. Be maintained in the Department's records per Section 1.01(c);
3. Be published in summary form (excluding proprietary information) in the annual permit report, per Section 8.01(b);
4. Include lessons learned and process improvements for future applications; and
5. Provide statistical analysis of denial and revocation rates by category.

Section 9: APPEALS AND DUE PROCESS PROCEDURES

Authority: Richmond City Code §§ 28-837; 28-892; 28-894; Va. Code § 15.2-2109; Due Process Clause of Virginia Constitution

Section 9.01. Review Process

(a) Any person aggrieved by a decision under this Regulation may contest that decision by filing a written request for review within thirty (30) days of the decision. The request shall state with specificity the reason for dispute and include any supporting documentation.

(b) First-level review shall be conducted by a supervisor not involved in the original decision. The reviewer shall issue a written decision within ten (10) business days stating findings of fact and conclusions.

(c) If the requestor is dissatisfied with the first-level review, a final administrative review may be filed within fifteen (15) days of the first-level written decision. The final review shall be heard by a designated presiding officer at an informal fact-finding proceeding, who shall render a recommendation to the Director within thirty (30) days. The Director shall issue a written final decision following the recommendation.

(d) Any permit or authorization that is the subject of a timely filed request for review shall remain in effect during the pendency of the review process unless the Director determines that continued operation poses an immediate threat to public safety.

(e) For decisions involving immediate safety hazards or federal shot clock deadlines, expedited review procedures shall be available with a decision required within ten (10) business days.

(f) During the pendency of a review, the Director may grant interim relief to prevent irreparable harm or service disruption, subject to appropriate conditions.

(g) Subsequent disputes regarding the same decision that have already been reviewed and decided shall be deemed barred, with no further Departmental action required.

Section 10: DELEGATION OF OPERATIONAL AUTHORITY

Authority: Richmond City Code §§ 28-26, 28-838; Richmond City Charter § 13.02; Va. Code § 15.2-2109; Administrative Delegation Principles

Section 10.01. Delegation of Electric Utility Operations to Department of Public Works

(a) Authority for Delegation: Notwithstanding the provisions of Richmond City Charter § 13.02 establishing the Department of Public Utilities' responsibility for electric utilities, the Director of Public Utilities from time-to-time delegates certain operational functions to the Director of Public Works as specified in this section.

(b) This administrative arrangement is made to achieve operational efficiencies by utilizing existing Department of Public Works or Department of Public Utility field crews, equipment,

and expertise for electric utility field operations, thereby avoiding duplication of resources and reducing costs to ratepayers.

(c) This delegation is made pursuant to the Director's administrative authority under Richmond City Code § 28-838 and general principles of administrative delegation, to promote operational efficiency while maintaining the Department of Public Utilities' overall statutory responsibility and accountability for electric utility services.

(d) Day-to-Day Operations Delegated to Director of Public Works: The following operational responsibilities for the electric utility, including street lighting, are hereby delegated to the Director of Public Works or his designee:

1. Daily operational management of electric distribution systems, substations, and street lighting infrastructure;
2. Supervision and direction of electric utility field personnel and crews;
3. Emergency response and outage restoration operations;
4. Routine maintenance and repair of electrical infrastructure;
5. Construction and installation of new electric facilities and street lighting;
6. Coordination with contractors performing electric utility work;
7. Implementation of safety protocols and NESC compliance for field operations;
8. Issuance of permits and approvals for electrical work as specified in this regulation;
9. Inspection and enforcement activities related to electric facilities;
10. Joint use and pole attachment administration for day-to-day operations;
11. Customer service requests related to electric service connections and street lighting;
12. Vegetation management affecting electric distribution lines;
13. Implementation of work orders and service orders;
14. Coordination with other utilities for joint trenching and shared infrastructure;
15. Administration of underground district requirements per Richmond City Code § 28-861;
16. Inspection and enforcement of electrolytic corrosion prevention per Richmond City Code § 28-870;
17. Administration of festival outlet connections per Richmond City Code § 28-872, including: a. Approval of festival lighting compatibility b. Verification of circuit capacity c. Supervision of connections by City street lighting personnel d. Installation of appropriate safety apparatus;
18. Enforcement of prohibition on unauthorized electrical connections to street lighting system per Richmond City Code § 28-873;
19. Determination of when streetlight facilities shall be constructed in utility easements per Richmond City Code § 28-874;
20. Administration of pole identification requirements per Richmond City Code § 28-869;

21. Coordination with Director of Finance for annual pole and wire fee collections per Richmond City Code §§ 28-864, 28-866, and 28-867;
22. Direct oversight and management of contractors performing electric utility work, including approval of daily work schedules and quality control inspections;
23. Coordination and review of all plan reviews associated with electrical utilities;
24. Long-term capital improvement planning and prioritization for electric utility infrastructure;
25. Utility rate studies and cost-of-service analyses to reflect current operational cost data, with assistance from DPU as necessary;
26. Major contract negotiations and approvals; and
27. Regulatory compliance reporting to state and federal agencies.

(e) Functions Retained by Director of Public Utilities:

1. Budget Development and Financial Management: The Director of Public Utilities shall retain exclusive authority for: a. Development and submission of the annual electric utility budget b. Rate setting recommendations to the Mayor and Council per Charter §§ 13.06(a) and 13.09. c. Long-term financial planning and debt management d. Revenue collection and billing oversight e. Preparation of financial reports required by Charter § 13.06. f. Utility renewal fund management per Charter § 13.07. Electric Utility employees submit budgetary recommendations and provide operational oversight of budgetary expenses.
2. Warehouse and Inventory Management: The Director of Public Utilities shall retain authority over: a. Electric utility warehouse facilities and operations b. Procurement and purchasing of materials and equipment c. Inventory control systems and procedures d. Surplus property disposition.
3. Rules and Regulations: Policy, rules, or regulation development for the electric utility.
4. Fee Setting and Collection Authority: The Director of Public Utilities shall retain authority for: a. Setting and adjusting pole attachment fees per Richmond City Code § 28-866 b. Setting and adjusting underground wire fees per Richmond City Code § 28-867 c. Overall revenue management and fee collection oversight d. Coordination with Director of Finance and Director of Public Works or designee on fee assessments.

Section 10.02. Coordination and Reporting Requirements

The Director of Public Utilities delegates the following reporting requirements to the Department of Public Works employees that operate the Electric Utility, copies of these reports shall be sent to the Director of Public Utilities.

(a) Inventory Reporting

1. Monthly physical inventory counts of all electric utility materials and equipment
2. Quarterly reconciliation reports comparing physical counts to book inventory
3. Annual comprehensive inventory audit reports

4. Immediate notification of any inventory discrepancies exceeding $10,000 or critical material shortages
5. Usage reports and forecasts for budget planning purposes

(b) Operational Reporting

1. Daily reports during emergency events or major outages
2. Monthly safety incident reports and OSHA recordables, typically the first week of the month
3. Quarterly system reliability metrics (SAIFI, SAIDI, CAIDI), typically the first week of the first month of the quarter
4. Annual compliance reports for NESC and other regulatory requirements, typically the first month of the year

(c) City Code Compliance Reporting

1. Quarterly Underground district compliance and any violations per § 28-861
2. Quarterly Electrolytic corrosion testing results and mitigation measures per § 28-870
3. Quarterly Festival outlet usage and any safety incidents per § 28-872
4. Quarterly Unauthorized connection attempts or violations per § 28-873
5. Quarterly Pole inventory counts for fee assessment purposes per §§ 28-864, 28-866
6. Quarterly Underground wire mileage for fee assessment purposes per §§ 28-864, 28-867

(d) Budget Coordination

1. Annual reports on staffing requirements
2. Annual reports on equipment and vehicle replacement
3. Annual reports on maintenance and operational cost projections
4. Annual capital project priorities and cost estimates

The Director of Public Utilities or designee shall consult with the Director of Public Works or designee before finalizing the electric utility budget. Budget transfers or amendments affecting operations shall require concurrence of both Directors or their designees.

Section 10.03. Administrative Provisions

(a) Personnel Management: Electric utility personnel performing operational functions shall remain employees of the Department of Public Utilities but shall be under the day-to-day supervision and direction of the Director of Public Works or designated supervisors within the Department of Public Works.

(b) Resolution of Conflicts: In the event of disagreement between the Directors regarding the interpretation or implementation of this delegation:

1. The Directors shall first attempt to resolve the matter through direct consultation.
2. If unresolved, the matter shall be referred to the Deputy Chief Administrative Officer of Operations for determination.

3. Nothing in this section shall limit the authority under the City Charter.

(c) Annual Review: The effectiveness of this delegation arrangement shall be reviewed annually by both Directors, and coordinate the findings with the Deputy Chief Administrative Officer of Operations including:

1. Assessment of operational efficiency;
2. Identification of any challenges or conflicts;
3. Recommendations for improvements; and
4. Budget and financial performance analysis.

(d) Modification of Delegation: This delegation may only be modified in accordance with Section 28-26 of the City Code.

(e) Preservation of Charter and Code Authority: Nothing in this delegation shall be construed to:

1. Alter the fundamental responsibility of the Department of Public Utilities for electric utility services as established in Richmond City Charter § 13.02;
2. Modify the fee authority established in Richmond City Code §§ 28-866 and 28-867;
3. Change the Director of Public Utilities' authority under Richmond City Charter § 13.06(a) to set rates for street lighting and electric current furnished to the City;
4. Change the Director of Public Utilities' authority under Richmond City Charter § 13.09 to recommend rates for electric service to external customers;
5. Affect the records retention requirements under Richmond City Code § 28-837; or
6. Limit the Director of Public Utilities' authority to resume direct control of any delegated function upon determination that such action is necessary for compliance, safety, or operational efficiency.

Section 10.04. Effect of Delegation

(a) The Department of Public Utilities shall remain accountable for electric utility performance and compliance with all City Code provisions and for the performance of all electric utility functions, notwithstanding any delegation to the Department of Public Works.

(b) All employees that exercise delegated authority shall do so with the same standard of care required of the Department of Public Utilities.

(c) Both Departments shall cooperate in the defense of any claims or litigation arising from electric utility operations.

(d) Nothing in this delegation shall be construed to create any new liability or waive any governmental immunity available under Virginia law.

AUTHORITY AND EFFECTIVE DATE

These regulations shall take effect upon adoption by the Director of Public Utilities and filing in accordance with Richmond City Code Section 28-26. This regulation incorporates all current federal, state, and local requirements as of 2025, including:

- National Electric Safety Code (NESC) 2023
- NFPA 70E Standard for Electrical Safety in the Workplace (2024)
- FCC wireless infrastructure regulations (47 CFR)
- Virginia Code § 56-466.1 (pole attachment requirements)
- Virginia Code § 56-484.29 (wireless facility deployment)
- Virginia Code § 2.2-4343 (electronic procurement)
- Virginia Administrative Process Act
- American Public Power Association best practices
- Industry standards for joint use and emergency management

This regulation is adopted pursuant to authority granted in Richmond City Code Article VII, Richmond City Charter Chapter 13, Va. Code § 15.2-2109, Va. Code § 2.2-4343, Va. Code § 56-466.1, Va. Code § 56-484.29, FCC rules (47 CFR Part 1, as updated 2024), NESC 2023, NFPA 70E 2024, and other applicable provisions of federal, state, and local law.

Severability. If any provision of this Regulation or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of this Regulation and the application of its provisions to other persons or circumstances shall not be affected.

Supersession. This Regulation supersedes and replaces any prior Director's rules, regulations, or administrative orders governing the subject matter of Article VII of Chapter 28 of the Richmond City Code, to the extent of any conflict. Existing permits, agreements, and authorizations issued under prior rules remain valid as provided in the Transition Provisions.

Transition Provisions:

1. Existing permits remain valid under previous terms until renewal.
2. Pending applications shall be processed under new standards if more favorable to applicant.
3. Appeals of decisions made under previous regulations follow new appeal procedures.
4. Existing joint use agreements remain valid but may be updated to new standards upon renewal.
5. Training and certification requirements shall be phased in over 180 days for existing personnel.