



Oregon

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Building Codes Division Statewide Interpretation

PROGRAM: Electrical Program
SUBJECT: Telecommunication
SOURCE: Building Codes Division
REFERENCE: Oregon Revised Statute 479.540
DATE OF ISSUE: Re-Issue April 1, 2005
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QUESTION: When are telecommunication service providers (TSP) required to purchase permits or be licensed?

ANALYSIS:

2003 House Bill 3163 and 2003 Senate Bill 822 changed the requirements of the Oregon Electrical Safety Law (ORS 479.510 to 479.995) as it relates to the installation of "telecommunication systems". Senate Bill 822 added competitive local exchange carriers (CLEC) to the existing exemptions for telecommunication utilities and other entities collectively referred to as telecommunications service providers (TSP). House Bill 3163 clarifies when permitting is required not only for a TSP but also for a licensed electrical contractor. House Bill 3163 also provides a definition of "demarcation point". "Demarcation point" means the place of interconnection between the communications cabling, terminal equipment or protective apparatus of the telecommunications service provider and the customers premises.

INTERPRETATION OF THE LAW:

- "Telecommunications systems" means all forms of information generation, processing, and transporting of signals conveyed electronically or optically within or between buildings, including voice, data, video, and audio.
- Telecommunications systems do not include any form of protective signaling as defined in ORS 479.905.

- Installing, maintaining, repairing or replacement on the TSP side of the demarcation point is not regulated by the Oregon Electrical Specialty Code (OESC).
- Maintaining, repairing or replacement on the customer side of demarcation by a TSP is not regulated by the OESC.
- Maintaining is defined in Oregon Administrative Rule as: “Maintain” means to preserve electrical equipment in a good sound condition.
- Repairing is defined in Oregon Administrative Rule as: “Repair” means to restore worn or damaged parts to a good, sound condition by means other than replacement.
- Replacement is defined in Oregon Administrative Rule as: “Replacement” means substitution of complete units or damaged or worn equipment with similar new or used equipment of a size and rating that does not exceed the design capacity of the existing product.
- Equipment is defined in Oregon Revised Statute as: “Equipment” means any material, fittings, devices, appliances, fixtures, apparatus or the like that are used as part of or in connection with an electrical installation.
- Fire-resistive construction means "Interior penetrations that are required to be fire-rated by the Oregon Structural Specialty Code". Generally, this includes occupancy separation, structure separation and not simply penetrating sheet-rock or gypsum board of an interior wall. Questions about required fire-ratings should be directed to the local jurisdictional structural inspector or building official.

DETERMINATION:

- 1. A TSP is required to purchase electrical permits for the installation of more than 10 telecommunication outlets in any building or structure, unless:**
 - **The building or structure is a multi-family dwelling of four or less units.**
 - **The building or structure is a one- or two-family dwelling.**
- 2. A TSP is required to purchase electrical permits for installations that penetrate fire-resistive construction, air-handling systems or pass through hazardous locations as defined or described by the applicable building code. This applies to all buildings or structures, regardless of their size or type.**

- 3. Electrical licensing of a TSP or their employees is not required if the TSP is installing, maintaining or providing voice, data transmission or intercom and paging associated with their data telecommunication system (Class “B” limited energy work as defined by ORS 479.905). The licensing exemption granted under ORS 479.943 applies on both the provider and customer side of demarcation.**
- 4. Electrical licensing and electrical permitting are not required for:**
 - (a) Installations of 10 telecommunication outlets or less for an appropriately licensed electrical contractor, provided the installation does not penetrate fire-resistive construction, air-handling systems or involve a hazardous location as defined or described by the applicable building code;**
 - (b) Cord or plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment;**
 - (c) Telecommunication service providers or their employees for maintenance, repair or replacement of a telecommunication system(s).**
- 5. Subcontractors and employees of subcontractors performing work for a TSP must comply with license and permit requirements on the customer side of the demarcation point.**