

Dear Senators GUTHRIE, Bernt, Wintrow, and
Representatives CRANE, Young, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Public Utilities Commission:

IDAPA 31.26.01 - Master-Metering Rules for Electric Utilities (ZBR Chapter Rewrite) - Proposed
Rule (Docket No. 31-2601-2301);

IDAPA 31.31.01 - Gas Service Rules (ZBR Chapter Rewrite) - Proposed Rule (Docket No.
31-3101-2301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/17/2023. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/15/2023.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee
FROM: Deputy Division Manager - Katharine Gerrity
DATE: October 31, 2023
SUBJECT: Public Utilities Commission

IDAPA 31.26.01 - Master-Metering Rules for Electric Utilities (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 31-2601-2301)

IDAPA 31.31.01 - Gas Service Rules (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 31-3101-2301)

1. IDAPA 31.26.01 - Master-Metering Rules for Electric Utilities

Summary and Stated Reasons for the Rule

The Idaho Public Utilities Commission submits notice of proposed rule at IDAPA 31.26.01 - Master-Metering Rules for Electric Utilities. The rulemaking is based on the Governor's executive order relating to zero-based regulation. The commission notes that the goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

Negotiated Rulemaking / Fiscal Impact

The commission states that negotiated rulemaking was conducted and that there is no fiscal impact to the general fund associated with the rule.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520.

2. IDAPA 31.31.01 - Gas Service Rules

Summary and Stated Reasons for the Rule

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

The Idaho Public Utilities Commission submits notice of proposed rule at IDAPA 31.31.01 - Gas Service Rules. The rulemaking is based on the Governor's executive order relating to zero-based regulation. The commission notes that the goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

Negotiated Rulemaking / Fiscal Impact

The commission states that negotiated rulemaking was conducted and that there is no fiscal impact to the general fund associated with the rule.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520.

cc: Public Utilities Commission
Jan Noriyuki

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.26.01 – MASTER-METERING RULES FOR ELECTRIC UTILITIES

DOCKET NO. 31-2601-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to the general legal authority of the Public Utilities Law, chapters 1 through 7, Title 61, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code, with regards to service.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Public Utilities Commission initiated this rulemaking in compliance with [Executive Order No. 2020-01: Zero-Based Regulation](#), issued by Governor Little on January 16, 2020. Pursuant to Executive Order No. 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at https://adminrules.idaho.gov/rulemaking_templates/index.html. This is the Idaho Public Utilities Commission's rule chapters up for review in 2023.

The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fee associated with these Rules.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:
No fee associated with these Rules.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June Idaho Administrative Bulletin, [Volume 23-6, Pages 77-78](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: None.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen Goodson at (208) 880-1849. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2023.

DATED this 21st day of August, 2023.

Jan Noriyuki, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 31-2601-2301
(ZBR Chapter Rewrite)

31.26.01 – MASTER-METERING RULES FOR ELECTRIC UTILITIES

000. LEGAL AUTHORITY (RULE 0).

~~These rules are adopted under the general legal authority of the Public Utilities Law, e~~ Chapters 1 through 7, Title 61, Idaho Code, and ~~the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code, with regard to service.~~ (3-31-22)()

001. TITLE AND SCOPE (RULE 1).

~~The name of this chapter is “Master Metering Rules for Electric Utilities.” This chapter has the following scope: applied to All a~~ electric utilities ~~are required to abide by these rules~~ defining when and under what circumstances their customers may master-meter tenants of the customer. (3-31-22)()

~~**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**~~

~~Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary.~~ (3-31-22)

~~**003. ADMINISTRATIVE APPEALS (RULE 3).**~~

~~There are no administrative appeals under these rules because they are not procedural rules. If an issue should arise calling for a proceeding to apply these rules, that proceeding would be conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq.~~ (3-31-22)

~~**002. --004. (RESERVED)**~~

005. DEFINITIONS (RULE 5).

As used in these rules: ()

~~**01. Electric Utility.** Electric utility or utility means an “electrical corporation” as defined by statute in Chapter 1, Title 61, Idaho Code, and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes.~~ (3-31-22)

021. Tenant -- Mobile Home Park. A tenant of a mobile home park is a person defined as a resident and not a transient by the Manufactured Home Residency Act, Section 55-2001 et seq., Idaho Code, and in particular by Section 55-2003(164) and 55-2003(195), Idaho Code. ()

032. Tenant -- Multi-Unit Residential or Commercial Building. A tenant of a multi-unit residential building is a person who is not a transient and who intends to reside in or be a commercial tenant in one (1) of the building’s units for a period not less than one (1) month. ()

043. Master-Metering. Provision of service to multiple tenants through one meter, which measures the aggregate usage of all tenants. Typically, the utility bills the property owner or landlord based on measurement by the master meter. ()

~~**006. -- 099. (RESERVED)**~~

MASTER-METERING RULES FOR ELECTRIC UTILITIES
Rules 100 through 199

100. MASTER-METERING AND INDIVIDUAL METERING IN MOBILE HOME PARKS (RULE 100).

01. Master Metering Prohibited. Master-metering, whether or not in conjunction with sub-metering of electric service by the park operator, is prohibited for any mobile home park connected for service by the utility after July 1, 1980. After that date, tenants (excluding transients) of mobile home parks must be individually metered and billed by the electric utility. ()

02. Exception for Sub-Metered Parks. Any mobile home park connected for service on or before July 1, 1980 whose spaces for non-transient tenants are been fully sub-metered for electricity by the park owners need not be individually metered by the electric utility supplying the park. A mobile home park sub-metered by the park operator must charge each of their tenants the same rate for electric service that a residential customer of the utility serving the park would charge the tenant if the tenant were directly metered and billed by the utility. Upon request, the utility will provide written instruction on how to calculate bills for sub-metered tenants in conformance with the utility's applicable rate schedule. ()

101. MASTER-METERING AND INDIVIDUAL METERING IN MULTI-OCCUPANT RESIDENTIAL BUILDINGS (RULE 101).

Non-transient tenants living in Mmulti-occupant residential buildings connected for electric service after July 1, 1980, ~~if the dwelling units for nontransient tenants~~ containing an electric space heating, water heating, or air-conditioning (space cooling) unit that is not centrally controlled and for which the dwelling unit's tenants individually control electric usage. ~~In such case, non-transient tenants~~ will be individually metered and billed by the electric utility. (3-31-22)()

102. MASTER-METERING AND INDIVIDUAL METERING IN COMMERCIAL BUILDINGS AND SHOPPING CENTERS (RULE 102).

Commercial buildings and shopping centers connected for electric service after July 1, 1980, may not be master metered if the units for non-transient tenants contain an electric space heating, water heating, or air-conditioning (space cooling) unit that is not centrally controlled and for which the unit's tenants individually control electric usage. Any non-transient tenants in otherwise master-metered buildings will be individually metered and billed by the utility if the tenant's electric load is significantly greater than that of other tenants in the building or shopping center or exceeds the individual metering threshold found in the utility's tariffs. ()

103. -- 999. (RESERVED)

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.31.01 – GAS SERVICE RULES

DOCKET NO. 31-3101-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to the general legal authority of the Public Utilities Law, chapters 1 through 7, Title 61, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-515, and 61-520, Idaho Code, with regard to safety and service.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Public Utilities Commission initiated this rulemaking in compliance with [Executive Order No. 2020-01: Zero-Based Regulation](#), issued by Governor Little on January 16, 2020. Pursuant to Executive Order No. 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at https://adminrules.idaho.gov/rulemaking_templates/index.html. This is the Idaho Public Utilities Commission's rule chapters up for review in 2023.

The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fee associated with these Rules.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No fee associated with these Rules.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June Idaho Administrative Bulletin, [Volume 23-6, Pages 77-78](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Testing of Smaller Capacity Meters. Available at: [ANSI/ASQ Z1.4 and Z1.9 - Sampling Procedures and Tables Package](#). Incorporation of its text in the agency rules would be unduly cumbersome, expensive, or otherwise inexpedient.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen Goodson at (208) 880-1849. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2023.

DATED this 21st day of August, 2023.

Jan Noriyuki, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 31-3101-2301
(ZBR Chapter Rewrite)

31.31.01 – GAS SERVICE RULES

000. LEGAL AUTHORITY (RULE 0).

~~These rules are adopted under the general legal authority of the Public Utilities Law, e~~ Chapters 1 through 7, Title 61, Idaho Code, and ~~the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-515, and 61-520, Idaho Code, with regard to safety and service.~~ (3-31-22)()

001. TITLE AND SCOPE (RULE 1).

~~The name of this chapter is the “Gas Service Rules.” This chapter has the following scope:~~ applies to A all gas utilities are required to abide by these rules in their provision of gas service. (3-31-22)()

~~002. WRITTEN INTERPRETATIONS — AGENCY GUIDELINES (RULE 2).~~

~~Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary.~~ (3-31-22)

~~003. ADMINISTRATIVE APPEALS (RULE 3).~~

~~There are no administrative appeals under these rules because they are not procedural rules. If an issue should arise calling for a proceeding to apply these rules, that proceeding would be conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq.~~ (3-31-22)

004. (RESERVED)

~~005. DEFINITIONS (RULE 5).~~

~~As used in these rules, gas utility or gas corporation means a “gas corporation” as defined by statute in Chapter 1, Title 61, Idaho Code, and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes.~~ (3-31-22)

002. INCORPORATION BY REFERENCE (RULE 2).

01. Testing of Smaller Capacity Meters. Available at: ANSI/ASQ Z1.4 and Z1.9 - Sampling Procedures and Tables Package. ()

~~006~~3. -- 100. (RESERVED)

**CONSTRUCTION, OPERATION, AND MAINTENANCE OF FACILITIES FOR
TRANSMISSION AND DISTRIBUTION OF GAS
Rules 101 through 200**

PRELIMINARIES FOR SERVICE
Rules 101 through 150

101. MAPS OF FACILITIES (RULE 101).

01. **Maps, Plans, and Records.** Gas corporations must maintain maps, plans, and records as prescribed by this rule. The gas corporation will keep in the principal office of each of its division or district a map or maps and information about the distribution system that will enable the local representatives to furnish information about the gas corporation regarding rendering of service to existing and prospective customers of the gas corporation. The maps will show the size, character, and location of each street main, district regulator, street valve and drip, and when practicable, each service connection in the corresponding territory served. In lieu of showing date of installation and service locations on maps, a card record or other suitable means may be used. ()

02. **Maps of Manufacturing, Mixing, Compressor, and Storage Facilities.** Each gas manufacturing or mixing plant and each compressor station and storage facility shall be provided with an accurate ground plan drawn to a suitable scale, showing the entire layout of the plant or station, the location, size, and character of plant, equipment, major pipelines, connections, valves, and other facilities used for the production and delivery of gas, all properly identified. ()

~~03. **Inspection of Facilities.** In determining whether these rules are being complied with, the Commission may inspect facilities and records as necessary, as provided in Section 61-521, Idaho Code. (3-31-22)~~

~~102. INSPECTION OF CUSTOMER'S FACILITIES (RULE 102).~~

~~The gas corporation shall inspect the customer's installation before the connection of a meter to ascertain that the installation conforms to the provisions contained in the National Fuel Gas Code and the Uniform Mechanical Code, as adopted by the Commission. If the installation on the customer's premises does not meet these requirements, the Company shall refuse to connect the meter and shall advise the customer in writing the reasons for such refusal. See Customer Relations Rule 301, IDAPA 31.21.01.301; see Safety and Accident Reporting Rules 201, IDAPA 31.11.01.201. (3-31-22)~~

103~~2~~. -- 150. (RESERVED)

STANDARDS FOR SERVICE
Rules 151 through 200

151. STANDARD FOR SERVICE (RULE 151).

Service to the customer shall assure the customer of adequate pressure, a definite heat content, and accurate measurement of gas. ()

152. PERIODIC TESTS OF CUSTOMER METERS (RULE 152).

01. **Testing of Smaller Capacity Meters.** ~~All m~~Meters with capacities up to and including ~~four hundred (400)~~ one thousand (1000) cubic feet per hour (cfh) to three thousand (3000) cfh that have been in service ten (10) or more years as established by last set date shall be tested within a prescribed sample size as determined in accordance with ANSI/ASQ Z1.4 and Z1.9 2003 (R2018), which are incorporated by reference ~~into these rules, which can be found at <https://webstore.ansi.org/Standards/ASQ/ANSIASQZ1SamplingProcedures>.~~ (3-31-22)()

02. **Testing of Larger Capacity Meters.** ~~All m~~Meters from ~~four hundred one (401)~~ one thousand one (1001) to three thousand (3,000) cfh that have been in service ten (10) years as established by last set date shall be replaced or field tested. (3-31-22)()

153. METER PROVING (RULE 153).

01. **Meter Provers.** Each gas corporation shall own at least one (1) meter prover of a type approved by the Commission and shall maintain such equipment in proper adjustment and so calibrated that the error of indication shall not exceed one-half percent. No meter prover shall be so placed as to subject it to excessive temperature

variation and each meter prover shall be equipped with suitable thermometers and other necessary accessories. Additional meter proving station shall be installed when and where found necessary by the Commission. ()

02. Testing Apparatus for Large Capacity Meters. Each gas utility using orifice meters, high pressure meters, proportional meters, or other large capacity meters shall own and maintain testing apparatus of a type approved by the Commission. ()

03. Accuracy of Meter Provers and Testers. The accuracy of all provers and methods of operation may be established from time to time by a representative of the Commission. Any alterations, accidents, or repairs that might affect the accuracy of any meter prover, or the method of operating it, shall be promptly reported in writing to the Commission. ()

154. CUSTOMER METER ACCURACY REQUIREMENTS (RULE 154).

01. Accuracy of Meters. A ~~new~~ gas meter installed for the use of any customer shall not be more than two percent (2%) slow ~~and not more than one percent (1%) or~~ fast. ~~Every meter removed from service when opened for repairs shall be adjusted to be not more than two percent (2%) slow and not more than one percent (1%) fast before being reset; and if not opened for repairs may be reset without adjustment if found to be not more than two percent (2%) in error fast or slow, when passing as in both instances at the test rates provided for in Rule 155 (Customer Meter Test Loads).~~ (3-31-22)()

02. Removal of Defective Meters From Service. No meter that is mechanically defective shall be placed in service or allowed to remain in service after the defect has been discovered. When any gas meter is not connected in service, the inlet and outlet shall be capped to prevent the drying out of the diagrams. ()

155. CUSTOMER METER TEST LOADS (RULE 155).

01. Testing of Meters. All tests to determine the accuracy of registrations of gas service meters shall be made with a suitable meter prover or testing equipment. Unless exempted by order of the Commission, at least two (2) test runs shall be made on each bellows type displacement meter, the results of which shall agree with each other within ~~one half of one percent (.5%)~~ one percent (1%). (3-31-22)()

02. Gas Flows During Testing. The rate of flow to be used in testing all capacity meters ~~having capacities up to and including three thousand (3,000) cubic feet per hour~~ shall be twenty percent (20%) (Check) and eighty percent (80%) to one hundred percent (100%) (Open) of the rated capacity. ~~The one hundred percent (100%) capacity or open run test shall not be taken into consideration in arriving at the accuracy of these meters. Meters having capacities of above three thousand (3,000) cubic feet per hour, except orifice meters, shall be tested both at twenty percent (20%) and one hundred percent (100%) of their capacity. For the purpose of determining the accuracy of these meters, the average of twenty percent (20%) and one hundred percent (100%) tests shall be used~~ For purpose of determining accuracy of these meters, the testing equipment, the maximum capacity of the testing equipment shall be used of the Open test. (3-31-22)()

156. CUSTOMER METER TEST RECORDS (RULE 156).

01. Records of Meter Tests. Annually each gas utility will make tabulations of the results of all meter accuracy tests required by these rules and keep records of tests of the accuracy of each of its meters, until superseded by a later test, but not less than two (2) years. These records shall give: ()

- a. Sufficient information to identify the meter; ()
- b. The reason for the test; ()
- c. The date of the test and reading of the meter; ()
- d. The name of the person making the test; and ()
- e. The accuracy as found and as left, ~~together with enough of the~~ with enough data taken at the time of ()

the test to permit the convenient checking of the methods employed and the calculations.

~~(3-31-22)~~()

157. -- 999. (RESERVED)