

Dear Senators MCKENZIE, Davis, Stennett, and  
Representatives LOERTSCHER, Batt, Smith:

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

IDAPA 31.02.01 - Rules Pertaining To The Public Records Act Rules of the Idaho Public Utilities  
Commission (Chapter Repeal) - Proposed Rule (Docket No. 31-0201-1401).

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 09/16/2014. 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 10/14/2014.

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 334-4834, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee  
**FROM:** Division Manager - Mike Nugent  
**DATE:** August 26, 2014  
**SUBJECT:** Public Utilities Commission

IDAPA 31.02.01 - Rules Pertaining To The Public Records Act Rules of the Idaho Public Utilities Commission (Chapter Repeal) - Proposed Rule (Docket No. 31-0201-1401)

The Public Utilities Commission is proposing to repeal its chapter dealing with public records and replace them with "Public Records Guidelines" as authorized by Section 9-347, Idaho Code. Section 9-347, Idaho Code, provides that "By January 1, 1991, every state agency or independent public body corporate and politic shall adopt guidelines that identify the general subject matter of all public records kept or maintained by the state agency or independent public body corporate and politic, the custodian, and the physical location of such documents." Assuming the PUC had adopted the guidelines by January 1, 1991, we do not have any technical or substantive problems with the proposed rule.

cc: Public Utilities Commission  
Jean D. Jewell

# IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

## 31.02.01 - PUBLIC RECORDS ACT RULES OF THE IDAHO PUBLIC UTILITIES COMMISSION

### DOCKET NO. 31-0201-1401 (CHAPTER REPEAL)

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated a proposed rulemaking procedure. This action is authorized pursuant to Sections 9-347 and 61-601, Idaho Code.

**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 September 17, 2014.

The hearing site 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 Commission's address below.

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Public Utilities Commission is proposing to repeal its Public Records Rules and replace them with "Public Records Guidelines" as authorized by Section 9-347, Idaho Code. The Commission's Public Records Guidelines are substantially the same as its existing rules at IDAPA 31.02.01 and will be updated to reflect recent changes to the Idaho Public Records Law. The Guidelines will be posted on the Commission's webpage.

**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Commission is repealing its Public Records Rules and replacing them with Public Records Guidelines.

**INCORPORATION BY REFERENCE:** NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed repeal, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before September 24, 2014.

DATED this 25th Day of July 2014.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:

472 W. Washington  
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**IDAPA 31.02.01 IS BEING REPEALED IN ITS ENTIRETY**