

Dear Senators SIDDOWAY, Stennett, Hill, and
Representatives LOERTSCHER, Monks, Smith:

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

IDAPA 31.11.01 - Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public
Utilities Commission - Proposed Rule (Docket No. 31-1101-1801).

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 10/23/2018. 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 11/21/2018.

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.



Eric Milstead
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 04, 2018
SUBJECT: Public Utilities Commission

IDAPA 31.11.01 - Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission - Proposed Rule (Docket No. 31-1101-1801)

Summary and Stated Reasons for the Rule

The Public Utilities Commission submits notice of proposed rule at IDAPA 31.11.01 - Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission. According to the commission, the Utility Safety and Accident Reporting Rules adopt by reference several national safety codes applicable to electric, telephone and natural gas utilities and federal safety regulations applicable to natural gas and pipeline utilities. The proposed rule would replace adoption of the 2012 Edition of the National Electric Safety Code with adoption of the 2017 edition.

Negotiated Rulemaking / Fiscal Impact

The commission notes that negotiated rulemaking was not conducted because the rule adopts updated national safety codes and is necessary for the safety of telephone company and utility employees and the public during the installation, operation or maintenance of telephone lines or electric utility systems. The commission notes that there is not a fiscal impact associated with the rulemaking.

Statutory Authority

The rulemaking appears to be authorized pursuant to Section 61-515, Idaho Code.

cc: Public Utilities Commission
Diane M. Hanian

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules must 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.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

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IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.11.01 – SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1101-1801

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 proposed rulemaking procedures. This action is authorized pursuant to Section 61-515, 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 October 17, 2018.

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 Utility Safety and Accident Reporting Rules adopt by reference several national safety codes applicable to electric, telephone, and natural gas utilities and federal safety regulations applicable to natural gas and pipeline utilities. Currently, Rule 101 adopts the 2012 Edition of the National Electric Safety Code (“NESC”). The proposed rule would adopt the 2017 Edition of the NESC.

There have been several minor updates and revisions to the NESC, including amendments to the grounding rules, guy insulator rules, ice loading rule, work safety standards, and other non-substantive editorial corrections. Adopting the current NESC will help protect telephone company workers and utility workers as well as the general public.

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

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because this proposed rule adopts updated national safety codes and is necessary for the safety of telephone company and utility employees and the public during the installation, operation, or maintenance of telephone lines or electric utility systems, as well as the general public.

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:

Adoption of the current NESC will promote the safety of telephone company and utility employees, customers, and the general public. Additionally, incorporation by reference will mitigate the need to publish hundreds of pages of safety code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Edward Jewell, Deputy Attorney General, at (208) 334-0314.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

Dated this 30th day of August, 2018.

Diane M. Hanian, Commission Secretary
Idaho Public Utilities Commission
Telephone: (208) 334-0338
Facsimile: (208) 334-3762

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Boise, ID 83702-5918
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Boise, ID 83720-0074

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 31-1101-1801
(Only Those Sections With Amendments Are Shown.)

101. NATIONAL ELECTRICAL SAFETY CODE (NESC) (RULE 101).

The Commission adopts by reference the American National Standards Institute (ANSI) C2-201~~2~~⁷ National Electrical Safety Code (NESC), 201~~2~~⁷ Edition. The National Electrical Safety Code, 201~~2~~⁷ Edition, is published by the Institute of Electrical and Electronics Engineers, Inc., and is available from the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997 and may be ordered by calling 1-800-678-IEEE. All electrical and telephone corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of the NESC. ~~(3-29-12)~~()

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

There have been several minor updates and revisions to the National Electric Safety Code, including amendments to the grounding rules, guy insulator rules, ice loading rule, work safety standards, and other non-substantive editorial corrections.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

***IDAHO PUBLIC UTILITIES COMMISSION
IDAPA 31.11.01 - Rules Governing Safety and Accident Reporting Rules for Utilities
Regulated by the Idaho Public Utilities Commission
Proposed Rulemaking - Docket No. 31-1101-1801***