



# Legislative Services Office Idaho State Legislature

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Carl F. Bianchi  
Director

## MEMORANDUM

November 3, 2005

IDAHO PUBLIC UTILITIES COMMISSION  
State Capitol  
P.O. Box 83720  
Boise, ID 83720-0054  
208/334-2475; Fax 334-2125  
www.legislature.idaho.gov

**TO:** Germane Subcommittees for Administrative Rules Review  
Senate and House State Affairs Subcommittees

**FROM:** Research and Legislation Staff, Nugent

**SUBJECT:** Proposed Temporary Rules Amending Pending Rules of the Public Utilities Commission Regarding Stray Voltage 31-6101-0501

In 2005, the Legislature enacted House Bill No. 214 which established, for public utilities regulated by the Idaho Public Utilities Commission, a preventative action level for stray current or voltage which may affect dairy cows and required the Idaho Public Utilities Commission to develop and adopt a standardized protocol which includes the preventative action level for use by all persons and entities to measure, investigate and, if necessary, remediate stray current or voltage on dairy farms. Compliance with the standardized protocol regarding measurement, investigation and remediation adopted by the Idaho Public Utilities Commission shall constitute the providing of adequate service by a public utility regulated by the Commission.

The Commission earlier had promulgated proposed rules to implement HB214aa, and is now bringing forth temporary rules to modify those rules. The rulemaking has been negotiated rulemaking and the Idaho Power Company, the Idaho Dairymen's Association and the Milk Producers of Idaho have supported the changes to the pending rule.

The one technical comment we would make is that the change to the pending rules by the temporary rule would place these rules in the temporary rule category when reviewed by the 2006 Legislature. The Commission needs to be aware that this would necessitate the adoption of a concurrent resolution formally approving the rules in this submission for this rule change to remain in effect.

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Dear Senators BURTENSHAW, McKenzie, Stennett, and  
Representatives DEAL, Smylie, Shepherd (2):

The Office of the Legislative Services, Research and Legislation, has received the enclosed rules of the Public Utilities Commission, IDAPA 31.61.01.

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 11/24/2005. 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 12/24/2005.

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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.