

IDAPA 31 – PUBLIC UTILITIES COMMISSION

**31.61.01 – RULES FOR THE MEASUREMENT OF
STRAY CURRENT OR VOLTAGE
(THE STRAY VOLTAGE RULES)**

DOCKET NO. 31-6101-0501

**NOTICE OF INTENT TO PROMULGATE RULES
NEGOTIATED RULEMAKING**

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that the Commission intends to promulgate rules and to initiate informal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 61-803, Idaho Code.

WORKSHOP SCHEDULE: The Commission's Staff will conduct a public workshop for the purpose of discussing draft rules that address the uniform procedures and protocols to be used for the measurement of stray current or voltage in proximity to dairy cows. The public workshop will convene on June 7, 2005 at 9:30 a.m. MST in the Commission's Hearing Room, 472 West Washington Street, Boise, Idaho. Persons needing the assistance of a sign language interpreter or other assistance must contact the Commission Secretary no later than May 31, 2005 as set out at the end of this notice.

METHOD OF PARTICIPATION: Persons wishing to participate in the informal negotiated rulemaking must do the following:

All interested persons may participate in the negotiated rulemaking workshop. The purpose of the informal workshop is to facilitate negotiated rulemaking in which all interested persons seek consensus on the content of temporary and proposed rules. Section 61-803, Idaho Code, requires that the Commission promulgate temporary rules and proposed rules no later than September 28, 2005. Persons interested in participating in the negotiated rulemaking workshop may obtain a copy of the draft rules by writing, calling or e-mailing the Commission Secretary after May 24, 2005. The Commission Secretary's contact information is contained at the end of this notice.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

In March 2005, the Idaho Legislature passed and the Governor signed the Stay Current and Voltage Remediation Act. 2005 Idaho Sess. Laws, Chpt. 189. The purpose of the Act is to provide for the safe and efficient availability of electricity by electric public utilities while at the same time address complaints regarding the effects of stray current or voltage on dairy cows. The Act is effective March 28, 2005.

"Stray voltage" is a natural phenomenon that can be found at low levels in areas where electricity is grounded. All electrical systems – including a dairy producer's on-farm system and a utility's

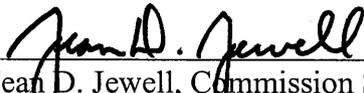
distribution system – must be grounded to the earth as required by various safety codes to ensure continuous safety and reliability. Inevitably, some current flows through the earth at each point where the electrical system is grounded and a small voltage develops. When a portion of this voltage is measured between two objects that may be simultaneously contacted by a dairy cow, it is frequently called “stray voltage.” Stray voltage is not electrocution and is not direct current, ground currents, electromagnetic fields (EMFs), or earth currents.

The Commission’s rules will include comprehensive testing procedures and forms for investigators to use when gathering voltage data. These forms will require the use of a number of tests and the collection of a wide variety of data. The ultimate goal is to obtain accurate measurements of the voltage level a dairy cow may be subject to in its normal environment and identify the possible sources of the stray voltage so that remedial actions, if necessary, can be taken.

Section 61-803, Idaho Code, requires that the Commission promulgate temporary and proposed rules establishing uniform procedures and protocols for the measurement of stray current or voltage. This statute further provides that the Commission’s rules shall be applicable to dairy producers, public utilities, and all persons or entities “involved in any way in the measurement or remediation of stray current or voltage in this state.” Any measurement of stray current or voltage not made in compliance with Commission rules shall be inadmissible before the Commission or in any civil action in an Idaho court of law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking contact Kira Dale Pfisterer, Deputy Attorney General, at (208) 334-0314. A copy of the draft rules to be discussed during the negotiated workshop may be obtained from the Commission Secretary after May 24, 2005. The deadline for submitting written comments regarding the proposed rules will be scheduled later.

DATED at Boise, Idaho this **19th** day of April 2005.



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