

## **DECISION MEMORANDUM**

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER RAPER  
COMMISSION SECRETARY  
COMMISSION STAFF

**FROM:** DON HOWELL  
DEPUTY ATTORNEY GENERAL

**DATE:** NOVEMBER 12, 2015

**SUBJECT:** UPDATING THE COMMISSION'S UTILITY SAFETY AND ACCIDENT REPORTING RULES, IDAPA DOCKET NO. 31-1101-1501

On October 7, 2015, the Commission caused to be published in the Idaho Administrative Bulletin a Notice of Proposed Rulemaking for the purpose of updating its Utility Safety and Accident Reporting Rules (IDAPA 31.11.01). The Commission proposed to update its Safety Rules by incorporating the most recent editions to the national safety codes applicable to electric and natural gas utilities, and adopting federal safety regulations applicable to natural gas and pipeline utilities. In its rulemaking, the Commission proposed to adopt applicable parts of the 2015 edition of the International Mechanical Code (Rule 203), and applicable parts of the 2015 edition of the International Fuel Gas Code (Rule 202). In addition, the Commission proposed to adopt the October 1, 2014 edition of the federal pipeline safety regulations found in the Code of Federal Regulations in Parts 191-93, 195, 199, and Part 260.9. The Notice is attached for your review.

The Notice required that interested persons file written comments no later than October 28, 2015. The Commission did not receive any written comments. The Commission received two letters from the Legislative Services Office (LSO). The first letter indicated that LSO considered the proposed rulemaking within the Commission's authority. The second letter indicated that the Senate and House Subcommittees for review of administrative rules have no objections to the proposed rule. Consequently, Staff recommends that the Commission adopt its proposed rules as pending rules and submit these rules for legislative review in 2016.

## COMMISSION DECISION

Does the Commission wish to adopt the proposed rules as its pending rules? Does the Commission desire to publish its Notice of Pending Rule in the January 6, 2016 edition of the Administrative Bulletin and submit the pending rule for legislative review in 2016?

*Don Howell*

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Don Howell  
Deputy Attorney General

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