

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. 31-1101-0701

RUL-U-07-01

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 September 20, 2007. 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 Commission's Safety and Accident Reporting Rules currently adopt by reference several national safety codes and federal safety regulations. In particular, Rules 202 and 203 currently adopt by incorporation the 2003 Editions of the International Fuel Gas Code and the International Mechanical Code, respectively. These codes are published by the International Code Council. The Commission is proposing to update its Rules 202 and 203 by adoption of the 2006 Editions. The major revisions included in the 2006 Edition of the Fuel Gas Code include: prohibited locations for appliances (Section 303.3); vent piping (Section 403.6.3); a requirement to check for leaks before operating piping system (Section 406.6.4); connecting gas supply to appliances in manufactured homes (Section 411); and standards for single-wall metal pipe (Section 503.10.14). The major revision to the 2006 Edition of the International Mechanical Code includes new standards regarding the location of exhaust outlets in Section 501.2.1.

The Commission is also proposing changes to Rules 301.03 and 302.04. These Safety and Accident Reporting Rules adopt by incorporation new reporting requirements regarding natural gas pipelines. In response to pipeline outages caused by hurricanes Katrina and Rita, the Federal Energy Regulatory Commission (FERC) adopted new safety regulations about the reporting of major service interruptions and damage to natural gas pipelines. The Commission proposes to amend its Safety and Accident Reporting Rules by incorporating the new accident reporting procedures found at 18 C.F.R. § 260.9. Finally, the Commission is proposing to make several housekeeping corrections to its Safety and Accident Reporting Rules regarding mailing addresses, telephone numbers, e-mail addresses, and citations to other authorities.

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

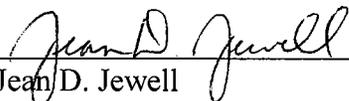
FISCAL IMPACT: There is no fiscal impact on the state general fund resulting from this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this proposed rule adopts updated national safety codes necessary for the safety of utility employees and the public during the installation, operation, or maintenance of natural gas pipelines, fuel gas systems and natural gas-fired appliances.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, 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 27, 2007. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 31st day of July 2007.



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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
Boise, Idaho 83702-5983

**IDAPA 31
TITLE 11
CHAPTER 01**

**31.11.01 - SAFETY AND ACCIDENT REPORTING RULES
FOR UTILITIES REGULATED
BY IDAHO PUBLIC UTILITIES COMMISSION**

005. DEFINITIONS (RULE 5).

01. Utilities. The terms “electrical corporation,” “gas corporation,” “pipeline corporation,” “telephone corporation,” and “water corporation” have the meanings given to them by statute in Chapter 1, Title 61, Idaho Code, orders of the Idaho Public Utilities Commission, and decisions of the Supreme Court of Idaho construing these statutes. (7-1-93)()

02. Serious Damage. “Serious damage” means damage to natural gas facilities caused by a natural disaster or terrorism that results in a loss of or reduction in pipeline throughput or storage deliverability. ()

03. Serious Interruption of Service. “Serious interruption of service” means interruptions of natural gas pipeline service to communities, major governmental installations, and large industrial plants outside of communities or any other interruption that is significant in the judgment of the natural gas pipeline. Interruptions of less than three (3) hours or planned maintenance outages need not be reported. ()

(BREAK IN CONTINUITY OF SECTIONS)

008. INCORPORATION BY REFERENCE – CODE OF FEDERAL REGULATIONS (RULE 8).

Rules 101, 201, 202, and 203, and 302 incorporate by reference various national safety codes and federal gas pipeline safety regulations. Each applicable rule identifies the issuing entity for each code or regulation and indicates where the incorporated materials may be obtained. Incorporated materials are also available for inspection and copying at the offices of the Idaho Public Utilities Commission and the Idaho State Law Library. (3-30-01)()

(BREAK IN CONTINUITY OF SECTIONS)

201. FEDERAL NATURAL GAS SAFETY REGULATIONS – ~~49 C.F.R. PARTS 191, 192, 193, 195 AND 199 (RULE 201).~~

The Commission ~~adopts~~ incorporates by reference Part 260.9, Title 18 (April 1, 2007) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 20057), except that federal accident reporting requirements contained in the rules adopted by reference in Rule 201 are replaced for state reporting purposes by orders of the Commission or rules of the Commission. These regulations are found in the Code of Federal Regulations, available from the, U.S. Government Printing Office, Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The incorporated CFR Parts are also available in electronic format at ~~www.access.gpo.gov/nara~~ www.gpoaccess.gov/nara. All gas and pipeline corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of these federal regulations adopted by reference. (4-11-06)(____)

202. INTERNATIONAL FUEL GAS CODE (IFGA) (RULE 202).

01. Adoption Incorporation by Reference. The Commission ~~adopts~~ incorporates by reference the International Fuel Gas Code, 2003~~6~~ Edition ~~and the errata dated April 23, 2003.~~ The International Fuel Gas Code is published by the International Code Council, ~~5203 Leesburg Pike, Suite 600, Falls Church, VA 22041~~ 300 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001-2070. The Code is available from the Code Council and may be ordered online at www.iccsafe.org. Telephone orders may be placed by calling toll-free ~~800-284-4406~~ 786-4452.

(3-20-04)(____)

02. Utility Compliance. All gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Fuel Gas Code and to connect for service and light only those installations that: (3-20-04)

a. Have been inspected and approved by authorized agencies; or (4-1-98)

b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Fuel Gas Code as a condition of receiving service or continuing to receive service. (3-20-04)

203. INTERNATIONAL MECHANICAL CODE (IMC) (RULE 203).

01. ~~Adoption~~ Incorporation by Reference. The Commission ~~adopts~~ incorporates by reference those portions of the 2003~~6~~ International Mechanical Code explicitly referring to gas or gas-burning appliances. The International Mechanical Code is published by the International Code Council, ~~5203 Leesburg Pike, Suite 600, Falls Church, VA 22041~~ 300 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001-2070 and may be ordered by calling toll-free 800-284-4406 786-4452 or online at www.iccsafe.org. (3-20-04)()

02. Utility Compliance. Gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Mechanical Code and to connect for service and light only those installations that: (3-20-04)

a. Have been inspected and approved by authorized agencies; or (4-1-98)

b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Mechanical Code as a condition of receiving service or continuing to receive service. (3-20-04)

(BREAK IN CONTINUITY OF SECTIONS)

**RULES 300 THROUGH 400 -- REPORTING OF ACCIDENTS
AND SERVICE INTERRUPTIONS**

**301. IMMEDIATE REPORTING OF FATALITIES, ~~AND~~ CERTAIN ACCIDENTS
AND MAJOR NATURAL GAS INTERRUPTIONS (RULE 301).**

01. Fatality and Accident Reporting–Required. Whenever any employee of an electrical corporation, gas corporation, pipeline corporation, telephone corporation, or water corporation or any member of the public dies or requires in-patient hospitalization as a result of contact with or proximity to utility operating property, the utility must notify the Commission by telephone of the fatality or hospitalization no later than the first business day following discovery of the fatality or reporting of the hospitalization, except as provided in Subsection 31.11.01.301.02. Reports should be made to the Commission Secretary at (208) 334-0338.

(4-1-98)()

02. Operating Property – Automobile Accident Exception. As used in this rule, operating property means electric plant as defined in Section 61-118, Idaho Code, gas plant as defined in Section 61-116, Idaho Code, pipelines as defined in Section 61-114, Idaho Code, telephone line as defined in Section 61-120, Idaho Code, or water systems as defined in Section 61-124, Idaho Code. This rule does not apply to fatalities arising out of automobile accidents, even if the automobile later comes into contact with utility plant. Office buildings or portions of office buildings not associated with the physical delivery of utility services or commodities are not considered operating property. (4-1-98)

03. Major Service Interruptions or Damage to Natural Gas Pipelines. The Commission incorporates by reference Section 260.9, Title 18, the Code of Federal Regulations (April 1, 2007). Every natural gas corporation must report serious damage to natural gas facilities and serious interruptions of service to the Commission. Natural gas corporations should also report other serious damage not caused by natural disaster or terrorism if such damages create the potential for serious delivery problems on its own system or the pipeline grid. ()

302. WRITTEN REPORTING OF ACCIDENTS AND NATURAL GAS INTERRUPTIONS (RULE 302).

01. Reporting Required. In addition to any telephone reporting required under Rule 301, a written report shall be submitted for: ()

a. Every accident involving an employee of the utility or member of the public that results in a fatality or in-patient hospitalization; ()

b. Any other accident the utility finds significant; or ()

c. Serious damage or service interruption of natural gas pipelines. ()

02. Submitting the Written Report. All written reports must be submitted to the Commission within twenty-one (21) days after the fatality or injury is discovered. Reports regarding serious damage or service interruption shall be submitted at the earliest feasible time.

Reports should be mailed to: (7-1-93)()

COMMISSION SECRETARY
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE ID 83720-0074

Street Address for Express Mail:
472 W WASHINGTON ST
BOISE ID 83702-5983

Copies of such reports may also be provided by facsimile at (208) 334-3762 or by electronic mail to secretary@puc.state.id.us. (5-3-03)

023. Contents of Written Accident Report. There is no standard form for written reports prescribed by this rule. Gas companies may file copies of reports submitted to federal regulators under 49 C.F.R. Part 191. All reports submitted must contain the following information: (7-1-93)()

- a. Name of person(s) involved in the accident; (7-1-93)
- b. Status of persons involved in the accident (e.g., employees, children, contractors, etc.); (7-1-93)
- c. Time of day, day of the week and month, and location of the accident or discovery of the accident; and (5-3-03)()
- d. Description of the accident and events leading up to the accident; and (7-1-93)()
- e. The company name, contact person, e-mail address and direct telephone number. ()

04. Contents of Written Report Involving Damage or Interruption to Natural Gas Facilities. All written reports shall provide the following information: ()

- a. The location and cause of the service interruption or damage to natural gas pipeline or storage facilities; ()
- b. The nature of the serious damage to pipeline or storage facility; ()
- c. The specific identification and location of any facilities damaged; ()
- d. The time the service interruption or damage to facilities occurred; ()
- e. The customers affected by the interruption of service or damage to facilities; ()
- f. A brief description of emergency actions taken to maintain service; ()
- g. An estimate of the time (if available) when pipeline throughput or storage deliverables are expected to be restored; and ()
- h. The company name, contact person, e-mail address and direct telephone number. ()