(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE AMENDMENTS TO RULES GOVERNING SAFETY AND ACCIDENT REPORTING FOR PUBLIC UTILITIES, IDAPA 31.11.01.000 ET SEQ. | )  )  )  )  )  )  ) | CASE NO. 31-1101-9701  ADOPTION OF PENDING RULES  GENERAL ORDER NO. 194 |

In this General Order, the Commission issues pending rules that adopt updated versions of various national safety codes and the federal gas pipeline safety regulations.  On June 12, 1997, the Commission issued a Notice of Proposed Rulemaking requesting written comments on the Commission’s proposed amendments to our Safety Rules no later than August 27, 1997.  The Notice was published in the Administrative Bulletin (Vol. No. 97-8 at 183) on August 6, 1997.  The Commission received no written comments.  Accordingly, the Commission adopts the proposed rules as our pending rules.  Idaho Code § 67-5224.    Appendix A to this Order is the Notice of Pending Rules suitable for transmission to the Administrative Rules Coordinator.

BACKGROUND

The Commission’s Safety and Accident Reporting Rules currently adopt by reference several national safety codes and the federal gas and pipeline safety regulations.  IDAPA 31.11.01.000 et seq.  These national safety codes and regulations have recently been updated.  In this rulemaking the Commission adopts the updated versions of the national safety codes and regulations.

Existing Rule 101 adopts by reference the National Electric Safety Code (NESC) based upon the 1993 edition of the code.  IDAPA 31.11.01.101.  The Commission proposed to adopt the 1997 edition of the NESC.  The Commission also proposed to amend its Rule 201 to adopt various parts of Title 49 of the Code of Federal Regulations pertaining to gas and pipeline corporations.  IDAPA 31.11.01.201.  The Commission proposed to adopt the updated safety regulations promulgated by the United States Department of Transportation found at 49 C.F.R. Parts 191, 192, 193, 195 and 199 (effective October 1, 1996).

The Commission also proposed to adopt the 1996 edition of the National Fuel Gas Code contained in the Commission’s Safety Rule 202.  IDAPA 31.11.01.202.  The Commission also proposed to adopt by reference portions of the 1997 edition of the Uniform Mechanical Code referring to gas or gas-burning appliances found at Safety Rule 203, IDAPA 31.11.01.203.  Finally, the Commission proposed to make several other non-substantive and format changes to its Safety Rules.

 Pursuant to the Idaho Administrative Procedures Act, the Commission’s Notice of Proposed Rules was published in the Administrative Bulletin on August 6, 1997.  See Vol. No. 97-8 at p. 183.  In its Notice, the Commission requested that interested persons desiring to comment do so on or before August 27, 1997.  The Commission received timely comment from Legislative Services indicating that the Senate and House Subcommittees for review of Administrative Rules examined the proposed changes to the Commission’s Safety Rules and reported that “no objections will be filed” to the proposed safety rules.  No other written comments were received.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission is authorized pursuant to Idaho Code § 61-515 to prescribe rules requiring every public utility to maintain and operate its facilities in a manner to promote and safeguard the public health and safety.

The Commission finds that the proposed amendments to the Safety Rules are reasonable and will promote the public health and safety.  We further find that it is in the public interest for these amendments to become effective April 1, 1998 following legislative approval.  We conclude that it is in the public interest for us to adopt these pending rules contingent upon legislative review.

GENERAL ORDER

IT IS HEREBY ORDERED that the Commission adopts the amendments to the Safety and Accident Reporting Rules as originally published in the Administrative Bulletin, Vol. No. 97-8 dated August 6, 1997.

IT IS FURTHER ORDERED that these pending rules shall become effective April 1, 1998, pending legislative review by the 1998 Legislature.

THIS IS A FINAL GENERAL ORDER.  Any person interested in this General Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. 31-1101-9701 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. 31-1101-9701.  Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration.  See Idaho Code § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of September 1997.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:31-11.01-9701.dh

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

September 18, 1997