



Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Germane Subcommittees for Administrative Rules Review
of the Senate and House of Representatives State Affairs Committees

FROM: Research and Legislation Staff, Nugent *MNV*

DATE: August 29, 2005

SUBJECT: Three Sets of Proposed Rules of the Public Utilities Commission

RUL-U-04-02

The Public Utilities Commission is proposing to promulgate three sets of proposed rules. The first set of rules deals with customer relations rules of the Public Utilities Commission. These came about as a result of the Idaho Community Action Network filing a petition for rulemaking recommending that that Commission adopt six (6) proposed changes to its Utility Customer Relations Rules. The Commission then initiated negotiated rulemaking which included the Community Action Network, Idaho Power, PacificCorp, Avista, Intermountain Gas, the Community Action Partnership Association of Idaho, the Idaho Office of Refugees, Idaho Legal Aid, the North Idaho Community Action Agency and the Commission Staff.

The Commission notes that the negotiated rulemaking did not result in consensus among the parties. The Commission is proposing several changes to its Utility Customer Relations Rules. First Rule 305 is proposed to be amended regarding the contents of the notices that utilities are required to give customers before terminating service during the three winter months (December, January and February). During the winter moratorium, utilities are prohibited from terminating natural gas or electric heating services for residential household customers with children, elderly or infirm persons. Next Rule 306 is proposed to be amended to revise the eligibility requirements and the operation of the winter moratorium. The rule change would expand moratorium eligibility to include households receiving financial assistance through the Low-Income Energy Assistance Program during the current program year. Customers who participate in the winter payment plan (payments equal to one-half of the annual level pay plan may participate in successive years of the winter payment plan). Eligible customers participating in the moratorium may maintain their participation if they move to another residence during the three months and the utility company would be required to turn on service at the new residence.

Current Rule 322.01 prohibits the termination of utility services on Saturday, Sunday, a legal holiday or after 2:00 p.m. on any Friday or on any day immediately preceding any legal holiday. The Commission is proposing to amend this rule by prohibiting disconnection any day immediately preceding a holiday and moving the 2:00 p.m. threshold on Friday to twelve noon. Rule 701.04 is proposed to be amended to require that the Commission provide utilities with a "model" of the annual summary of rules including a Spanish language model.

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The second set of proposed rules relates to safety and accident reporting rules by utilities. The Commission is proposing to amend Rule 201 which adopts the federal safety regulations applicable to natural gas utilities and pipelines. The Commission indicates that this year the Pipeline and Hazardous Materials Safety Administration (PHMSA) made two changes to the federal pipeline safety regulations. First, PHMSA promulgated new requirements for individuals who perform certain safety related tasks on pipelines. The new requirements address personnel training, notice of training program changes, government review and verification of such programs, and use of on-the-job training as qualification methods. Second, PHMSA's regulations required pipelines to develop and implement public awareness programs to promote pipeline safety.

The third set of proposed rules amends the Commission's rule for transportation of hazardous material by rail by incorporating the federal regulation changes. The federal regulations define functions of pre-transportation and transportation and clarifies unloading and storage of hazardous material on shippers' property as non-regulated functions, defines terms for persons who offer hazardous material and provides packaging requirements for very low-grade radioactive material.

It appears that all three sets of proposed rules have been promulgated within the statutory authority granted to the Public Utilities Commission.

cc: Idaho Public Utilities Commission
Beverly Barker
Deputy Attorney General Donald L. Howell, II

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