

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: EDWARD J. JEWELL
DEPUTY ATTORNEY GENERAL

DATE: AUGUST 23, 2018

SUBJECT: UPDATING THE (1) UTILITY SAFETY AND ACCIDENT REPORTING RULES, AND (2) RAILROAD SAFETY AND ACCIDENT REPORTING RULES, IPUC CASE NOS. RUL-U-18-01 AND RUL-R-18-01

Staff recommends that the Commission update two sets of rules.

First, Rule 101 of the Utility Safety and Accident Reporting Rules (IDAPA 31.11.01) adopts the 2012 Edition of the National Electric Safety Code ("NESC"). Staff recommends that the Commission update Rule 101 to adopt the 2017 National Electric Safety Code.

Second, Rule 102 of the Railroad Safety and Accident Reporting Rules (IDAPA 31.71.03) specifies the sources of water to be made available to employees of railroad corporations. Staff recommends that the Commission update Rule 102 to include "commercially bottled water."

The recommended amendments are discussed below.

1. Utility Safety and Accident Reporting Rules.

The Utility Safety and Accident Reporting Rules (IDAPA 31.11.01) adopt by reference several national safety codes applicable to electric, telephone, and natural gas utilities and federal safety regulations applicable to natural gas and pipeline utilities. Currently, Rule 101 adopts the 2012 Edition of the National Electric Safety Code ("NESC").

There have been several minor updates and revisions to the NESC, including amendments to the grounding rules, guy insulator rules, ice loading rule, work safety standards, and other non-substantive editorial corrections. Adopting the current NESC will help protect telephone company workers and utility workers as well as the general public.

2. Railroad Safety & Accident Reporting Rules.

The Railroad Safety and Accident Reporting Rules (IDAPA 31.71.03) do not include “commercially bottled water” as an authorized source of drinking water for employees of railroad corporations. Adoption of the proposed rule will make cool, clean, sanitary water more readily available for railroad company employees.

STAFF RECOMMENDATION

Staff recommends that the Commission update: (1) Safety and Accident Reporting Rule 101 as described above and set out in the attached proposed amendment. (Attachment 1); and (2) Railroad Safety and Accident Reporting Rule 102 as described above and set out in the attached proposed amendment. (Attachment 2). The proposed changes should be forwarded to the Administrative Rules Coordinator for publication in the October edition of the Idaho Administrative Bulletin.

Staff understands the DFM has recommended the Governor’s Office approve the Administrative Rules Request Forms (“ARRF”) that Staff has submitted for the two rule proposals. If that approval is received, then Staff recommends the proposed rules be forwarded to the Office of the Administrative Rules Coordinator for publication in the Idaho Administrative Bulletin. The public will then have an opportunity to comment on the proposed rules.

Once the comment period closes, Staff will prepare another decision memorandum asking the Commission whether it wishes to adopt the proposed rules as a pending rule.

COMMISSION DECISION

Does the Commission wish to update: (1) Rule 101 of the Utility Safety and Accident Reporting Rules to adopt the 2017 National Electric Safety Code, and (2) Rule 102 of the Railroad Safety and Accident Reporting Rules to specify “commercially bottled water” as an authorized source of drinking water for railroad company employees?

If the AARF for a rule proposal is approved, does the Commission wish to forward the proposed rule change to the Administrative Rules Coordinator for publication in the Administrative Bulletin?



Edward J. Jewell
Deputy Attorney General

**IDAPA 31
TITLE 11
CHAPTER 01**

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

101. NATIONAL ELECTRICAL SAFETY CODE (NESC) (RULE 101).

The Commission adopts by reference the American National Standards Institute (ANSI) C2-2012~~7~~ National Electrical Safety Code (NESC), 201~~2~~7 Edition. The National Electrical Safety Code, 201~~2~~7 Edition, is published by the Institute of Electrical and Electronics Engineers, Inc., and is available from the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997 and may be ordered by calling 1-800-678-IEEE. All electrical and telephone corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of the NESC. (3-29-12)()

**IDAPA 31
TITLE 11
CHAPTER 01**

31.71.03 – RAILROAD SAFETY & ACCIDENT REPORTING RULES

102. SANITARY CUPS AND SANITARY DRINKING WATER (RULE 102).

- 01. Water.** An adequate supply of cool, clean, sanitary water, satisfactory for drinking purposes, shall be made available to all employees. Drinking water shall be obtained only from sources approved by the State Department of Health, or an approved water line, or commercially bottled water.

(~~7-1-93~~)()