

IDAPA 31
TITLE 11
CHAPTER 01
31.11.01 - SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES
REGULATED BY IDAHO PUBLIC UTILITIES COMMISSION

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RULES 0 THROUGH 100 – INTRODUCTION**000. LEGAL AUTHORITY (Rule 0).**

These rules adopting by reference national safety codes and require the reporting of accidents under the general authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and under the specific authority of Sections 61-515 and 61-517, Idaho Code. (3-29-10)

[Amended, G.O. 194; amended, 31-1101-0901.]

001. TITLE AND SCOPE (Rule 1).

The name of this chapter is “Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission”. This chapter has the following scope: All electric and telephone corporations subject to the regulation of the Idaho Public Utilities Commission are required to abide by the safety regulations adopted in Rule 101; all gas and pipeline corporations are required to abide by the safety regulations adopted in Rules 201 through 203; and all electrical, gas, pipeline, telephone, and water corporations are required to abide by the safety and accident reporting requirements of Rules 301 and 302. (7-1-93)

Cross Reference: Rules 101, 201, 202, 203, 301, 302.

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES (Rule 2).

For rulemakings conducted before July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the order of proposed rulemaking and review of comments submitted in the order adopting these rules are maintained in the files of the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or may be reached by telephone at (208) 334-0300. For rulemakings conducted after July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. (7-1-93)

003. ADMINISTRATIVE APPEALS (Rule 3).

Any person requesting a waiver from any provision of these safety rules or accident reporting rules may petition the Idaho Public Utilities Commission for a waiver pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (4-1-98)

[Amended, G.O. 194.]

Cross Reference: IDAPA 31.01.01.000

004. PUBLIC RECORDS ACT COMPLIANCE (Rule 4).

Notes of telephone reports required by Rule 301 and written reports required by Rule 302 are public records subject to inspection, examination and copying. Further investigative reports by the Commission or the Commission Staff are investigatory records exempt from disclosure. See Sections 74-101(6) and 74-105, Idaho Code. Reports required by these rules and the results of further investigations by the Commission are by statute prohibited from admission into evidence in any action for damages based on or arising out of the loss of life or injury to the person or property. See Section 61-517, Idaho Code. (3-29-10)

[Amended, G.O.194; amended, G.O. 201; amended, 31-1101-0901.]

Statutory Reference: *Idaho Code* §§ 74-101(6), 74-105; 61-517.

Cross Reference: Rules 301, 302.

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 Idaho Supreme Court construing these statutes. (4-29-10)

02. Serious Damage. 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. (4-2-08)

03. Serious Interruption of Service. 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. (4-2-08)

[Amended, 31-1101-0701; amended, 31-1101-0901.]

Statutory Reference: *Idaho Code* §§ 61-101 through 61-130.

006. CITATION (Rule 6).

The official citation of these rules is IDAPA 31.11.01.000 et seq. For example, this rule is cited as IDAPA 31.11.01.006. In documents submitted to the Commission or issued by the Commission however, these rules may be cited by their short title Safety and Accident Reporting Rules (SARR) and the parenthetical rule number. For example, this rule may be cited as SARR 6. (4-1-98)

[Amended, G.O. 194.]

007. EFFECTIVE DATE -- HISTORY OF RULES (Rule 7).

The predecessors to these rules (in particular earlier adoptions by reference of previous versions of safety codes) have been adopted many times over the years. The history of these rules

preceding the initiation of the publishing of the Idaho Administrative Bulletin and the Idaho Administrative Code is available from the Commission Secretary. (4-1-98)

[Amended, G.O. 194.]

008. INCORPORATED BY REFERENCE – CODE OF FEDERAL REGULATIONS (Rule 8).

Rules 101, 201, 202, 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. (4-2-08)

[Adopted, G.O. 206; amended, 31-1101-0701.]

Cross Reference: Rules 101, 201, 202, 203

009. -- 100. (RESERVED).

RULES 101 THROUGH 200 – ELECTRIC AND TELEPHONE UTILITIES

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

The Commission adopts by reference the American National Standards Institute (ANSI) C2-2012 National Electrical Safety Code (NESC), 2012 Edition. The National Electric Safety Code, 2012 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)

[Amended, G.O. 194; amended, 31-1101-0201; amended, 31-1101-0601; amended, 31-1101-1101.]

102. -- 200. (RESERVED).

RULES 201 THROUGH 300 – TRANSPORTATION OF NATURAL GAS BY PIPELINES –LIQUEFIED NATURAL GAS FACILITIES –TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE –INTERNATIONAL FUEL GAS CODE – INTERNATIONAL MECHANICAL CODE

201. FEDERAL NATURAL GAS SAFETY REGULATIONS (Rule 201).

The Commission incorporates by reference Part 260.9, Title 18 (April 1, 2014) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 2014), 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 on the web from the U.S. Government Bookstore at <http://bookstore.gpo.gov> and click on “Code of Federal Regulations,” or by calling toll-free 866-512-1800. The incorporated CFR Parts are also available in electronic format at <https://www.gpo.gov/fdsys>. 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. (3-22-16)

[Adopted, G.O. 165; G.O. 171; G.O. 185; amended, G.O. 194; amended, G.O. 206; amended, 31-1101-0201; amended, 31-1101-0401; amended, 31-1101-0501; amended, 31-1101-0701; amended, 31-1101-0901; amended, 31-1101-1001; amended, 31-1101-1101; amended, 31-1101-1501.]

Federal Statutory Reference: 18 C.F.R. Part 260; 49 C.F.R. Parts 191, 192, 193, 195, 199.

202. -- 300. (RESERVED).

RULES 301 THROUGH 400 – REPORTING OF ACCIDENTS

301. IMMEDIATE REPORTING OF FATALITIES AND CERTAIN ACCIDENTS AND MAJOR NATURAL GAS INTERRUPTIONS (Rule 301).

01. Fatality and Hospitalization Reporting. 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. (3-29-10)

02. Operating Property – Motor Vehicle 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 reporting rule does not apply to fatalities and hospitalizations arising out of motor vehicle accidents, even if the motor vehicle 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. (3-29-10)

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, 2009). 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. (3-29-10)

[Adopted, G.O. 185A; amended, G.O. 194; amended, 31-1101-0701; amended, 31-1101-0901.]

Statutory Reference: *Idaho Code* §§ 61-114, 61-116, 61-118, 61-120, 61-124.

Federal Statutory Reference: 18 C.F.R. Part 260

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: (4-2-08)

- a. Every accident involving an employee of the utility or member of the public that results in a fatality or in-patient hospitalization; (4-2-08)
- b. Any other accident the utility finds significant; or (4-2-08)
- c. Serious damage or service interruption of natural gas pipelines. (4-2-08)

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

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise ID 83720-0074

Street Address for Express Mail:
472 W. Washington Street
Boise, ID 83702-5918

Copies of such reports may also be provided by facsimile at (208) 334-3762 or be electronic mail to secretary@puc.idaho.gov. (3-29-10)

03. 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: (3-29-10)

- 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; (4-2-08)
- d. Description of the accident and events leading up to the accident; and (4-2-08)
- e. The company name, contact person, e-mail address and direct telephone number of the reporting official. (3-29-10)

04. Contents of Written Report Involving Damage or Interruption to Natural Gas Facilities. All written reports shall provide the following information: (4-2-08)

- a. The location and cause of the service interruption or damage to natural gas pipeline or storage facilities; (4-2-08)
- b. The nature of the serious damage to pipeline or storage facility; (4-2-08)

- c. The specific identification and location of any facilities damaged; (4-2-08)
- d. The time the service interruption or damage to facilities occurred; (4-2-08)
- e. The customers affected by the interruption of service or damage to facilities; (4-2-08)
- f. A brief description of emergency actions taken to maintain service; (4-2-08)
- g. An estimate of the time (if available) when pipeline throughput or storage deliverables are expected to be restored; and (4-2-08)
- h. The company name, contact person, e-mail address and direct telephone number of the reporting official. (3-29-10)

[Adopted, G.O. 185A; amended, 31-1101-0201; amended, 31-1101-0701; amended, 31-1101-0901.]

Federal Statutory Reference: 49 C.F.R. 191.

Cross Reference: Rule 301.

303. USE OF REPORTS (Rule 303).

The Commission may find that reports required by Rules 301 and 302 constitute an adequate investigation of the accident reported, may direct the utility to provide further information to the Commission, or may direct its Staff or others to conduct further investigations. Reports required by Rules 301 and 302 and the results of further investigations by the Commission are by statute prohibited from admission into evidence in any action for damages based on or arising out of the loss of life or injury to the person or property. See Section 61-517, Idaho Code. (4-1-98)

[Adopted, G.O. 185A; amended, G.O. 194.]

Statutory Reference: *Idaho Code* § 61-517.

Cross Reference: Rules 301, 302.

304. -- 999. (RESERVED).