

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION
DOCKET NO. 31-0000-1900**

**NOTICE OF OMNIBUS RULEMAKING - TEMPORARY AND PROPOSED
RULEMAKING**

EFFECTIVE DATE: The effective date of the temporary rule(s) listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code. Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code; Chapters 3 and 4, Title 62, Idaho Code; the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the Public Records Act, Chapter 1, Title 74, Idaho Code; and the particular authority of Sections 56-904, 61-110, 61-111, 61-129, 61-301 through 61-309, 61-315, 61-501 through 61-505, 61-508, 61-510, 61-512, 61-515 through 61-517, 61-520, 61-523, 61-524, 61-538, 61-541, 61-601 through 61-607, 61-610 through 61-619, 61-621 through 61-626, 61-803 through 61-806, 61-902 through 61-905, 61-909, 61-1003 through 61-1005, 61-1007, 61-1305, 61-1306, 61-1603 through 61-1607, 61-1703 through 61-1709, 62-301 through 62-308, 62-424, 62-602 through 62-616A, 62-619, 62-622, 62-622A, 62-1201 through 62-1207, 62-1303, 62-1304, 63-30291, 67-6528, and 74-107(13), Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 31, rules of the *Idaho Public Utilities Commission*:

IDAPA 31

- 31.01.01, Rules of Procedure of the Idaho Public Utilities Commission
 - 31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission
 - 31.12.01, Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission
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- 31.21.01, Customer Relations Rules for Gas, Electric and Water Public Utilities (the Utility Customer Relations Rules)
- 31.26.01, Master-Metering Rules for Electric Utilities
- 31.31.01, Gas Service Rules
- 31.36.01, Policies and Presumptions for Small Water Companies
- 31.41.01, Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission (The Telephone Customer Relations Rules)
- 31.46.01, Universal Service Fund Rules
- 31.46.02, Rules for Telecommunications Relay Services (TRS)
- 31.51.01, Operator Service and Pay Telephone Rules
- 31.61.01, Rules for the Measurement of Stray Current or Voltage (Stray Voltage Rules)
- 31.71.01, Railroad Clearance Rules
- 31.71.03, Railroad Safety and Accident Reporting Rules
- 31.81.01, Energy Consumption Reporting Rules

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Idaho Public Utilities Commission is required to regulate public utilities that provide electric, gas, telephone, water, and rail service. The utilities typically hold monopoly franchises that obligate them to serve all members of the public in a defined service territory. These rules help ensure the utilities safely and reliably serve their customers using just, reasonable, and nondiscriminatory rates and practices

FEE SUMMARY: This rulemaking does not impose a fee or charge.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Stephen Goodson at (208) 334-0323.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this May 9, 2019.

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