

DECISION MEMORANDUM

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

FROM: STEPHEN GOODSON, POLICY ADVISOR

DATE: OCTOBER 8, 2019

SUBJECT: PENDING RULES REVIEW OF IDAPA 31; CASE NO. RUL-U-19-01;
IDAPA DOCKET 31-0000-1900

BACKGROUND

On June 19, 2019, a special edition of the Idaho Administrative Bulletin reauthorized rules that were deemed necessary to protect public health, safety, and welfare or to confer a benefit. Each rule docket was published as temporary and proposed concurrently. The proposed rules must be adopted as pending rules prior to the 2020 legislative session. DFM intends to publish a special edition of the Idaho Administrative Bulletin to adopt pending rules on November 20, 2019.

In a memo to all state agencies Governor Little outlined his expectation that each agency continues to review their reauthorized proposed rules for opportunities to eliminate or simplify and reduce language in accordance with Executive Order 2019-02: Red Tape Reduction Act.

Agencies must provide a marked-up version showing all desired edits in Microsoft Word by October 16, 2019.

PUBLIC COMMENTS

On August 7, 2019 a Notice of Public Hearing was published in the Administrative Rules Bulletin, and Commission Staff conducted a public hearing on August 20, 2019. Comments were received by three utility companies (Avista, Idaho Power and Intermountain Gas). All comments were related to the Utility Customer Relations Rules (UCRR).

Avista Corporation

Recommended adding a definition of “written” in the UCRR.

Idaho Power Company

UCRR 201.02 and 208: Either keep this rule as a standalone section and not included within the requirement for billing statements. Alternatively, Idaho Power would also support removing this section in its entirety, as Idaho Power does not receive many requests for degree day adjusted data.

UCRR 202: Company recommends retaining the language that staff suggested removing.

UCRR 302.01e: Company recommends modifying the language “meter” to “utility’s facilities.”

UCRR 303.01 and 604.01: Company recommends adding “utility’s rules and regulations” to the grounds for denial or termination of service without prior notice.

UCRR 306.01: Company recommends adding language to clarify that the Winter Protection Plan’s prohibition on disconnecting be at the “primary household.”

Intermountain Gas Company

UCRR 310.01: Company recommends leaving the phrase “or two (2) months’ charges for service.”

UCRR 401.02: Company recommends leaving the phrase “in connection with the subject matter of complaint.”

STAFF RECOMMENDATIONS

Rail Rules: Combine Railroad Clearance Rules (IDAPA 31.71.01) and Railroad Safety and Accident Reporting Rules (IDAPA 31.71.03).

Eliminate language referencing first aid kits and sanitary drinking water because that is outline in Idaho Code § 61-515A.

Gas Rules: Combine 101.02 with 101.01.

Update 152.01 with standard ANSI/ASQ Z1.4 and Z1.9.

Combine 153.02 with 153.01. Combine 156.02 with 156.01.

Eliminate 157, restatement of Idaho Code § 61-522.

Safety and Accident Reporting Rules: Eliminate street address reference. All reports are to be submitted to Commission Secretary. Change “shall” to “will.”

Section 301.03 add language regarding immediate reporting by a gas corporation if an evacuation occurs.

Small Water Companies Rules: Eliminate section 102 which is just a restatement of the Commission’s mission related to CPCNs covered in statutes, but made specific for small water companies.

Energy Consumption Rules: Eliminate restrictive language “shall”. Move 022 into 021.

System of Accounts Rules: Delete reference to street address and only refer to internet address.

Rules of Procedure and Stray Voltage Rules: Change address to Chinden Campus.

Universal Service Fund Rules: No recommendation at this time.

Utility Customer Relations Rules: Majority of changes were made to match existing language in the Telephone Customer Relations Rules.

Eliminated title of unused 500-599 rules section.

Corrected numbering in 400, 600 & 700 sections.

Avista comments – Staff added language that should address the company’s issue.

Intermountain Gas comments – Staff accepted the company’s request and reverted back to the original language for Section 310.01.a. Staff discussed the issue of Section 401.02 with the company and came to agreement that the new language did not create any ambiguity and they agreed to leave the rule as written.

Idaho Power comments – Staff added language that should address the Company’s concern regarding degree day information. Staff has agreed to accept the Company’s request to retain the original language of Rule 202 on due dates. Staff did not agree to add the Company’s preferred language of “utility’s facilities” to Rule 302.01.e. Staff did not agree to add the Company’s preferred language of “or utility rules and regulations.” to Rule 303.01 and 604.01. Staff did agree to add the Company’s suggested change to Rule 306.01.

Master-Metering Rules for Electric Utilities: Added 0005.04 definition of Master Metering.

Corrected numbering of reserved and 100 section of rules.

Cleaned up existing language in 100.01-.02, 101, 102 & 104.

Eliminated 100.03-.05 due to time limited language.

Telephone Customer Relations Rules: Corrected 200 to match title to UCRR.

Eliminated 305 due to no longer being enforced.

Eliminated reference to Health and Welfare from 306.

Corrected numbering in 300 section.

Corrected 400.01, .02 & 403.01 to match UCRR.

Added 503-506 from Operator Services and Pay Telephone rules as per FCC requirements.

Eliminated time limited language from rule 605.

Eliminated language from 701 that is already required by FCC rules.

Eliminated 702.03 and .04 which are covered in Rules of Procedure.

Telecommunications Relay Services Rules: Eliminated 106 due to time limited language.

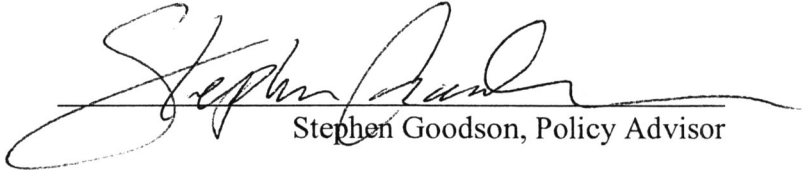
Corrected numbering throughout.

Operator Services and Pay Telephone rules: Eliminated rule set due to not being enforced any longer.

Moved Rules 102.01, 102.05, 102.06, 201.01, 201.02, 203 & 211 to the Telephone Customer Relations Rules due to FCC requirements.

COMMISSION DECISION

Does the Commission wish to approve Staff's recommendations and adopt the proposed rules, with the recommended changes, as pending rules? Does the Commission wish to publish notice of the pending rules in an upcoming edition of the Administrative Bulletin and submit the pending rules for review in the next legislative session? Anything else?



Stephen Goodson, Policy Advisor