

## NEGOTIATED RULEMAKING—WRITTEN SUMMARY

Pursuant to I.C. § 67-5220(3)(f), the Idaho Public Utilities Commission (IPUC) provides the following written summary of unresolved issues, key information considered, and conclusions reached during and as a result of the negotiated rulemaking in Case No. RUL-U-23-01, RUL-23-U-02, RUL-U-23-03 and RUL-U-23-04.

### Background

On January 16, 2020, Idaho Governor Brad Little issued Executive Order No. 2020-01 “Zero-Based Regulation.” The Executive Order directs agencies to review their administrative rules over a five-year period and gives the Division of Financial Management (DFM) authority to “develop a standardized process for the required retrospective analysis.” Executive Order No. 2020-01 directs an agency wishing to renew a rule chapter to take the following steps:

The agency must perform a retrospective analysis of the rule chapter to determine whether the benefits the rule intended to achieve are being realized, whether those benefits justify the costs of the rule, and whether there are less-restrictive alternatives to accomplish the benefits. This analysis should be guided by the legislative intent articulated in the statute or act giving the agency the authority to promulgate the rule.

...Agencies should start the new rulemaking from a zero-base and not seek to simply reauthorize their existing rule chapter without a critical and comprehensive review....

The Executive Order notes that the purpose for each finalized rule chapter is that it “reduce the overall regulatory burden, or remain neutral, as compared to the previous rule chapter.” In short, Executive Order No. 2020-01 directs each agency to look at its statutory authority to promulgate rules and cut down its rules to more cleanly and clearly achieve the statute-based purpose of those rules.

DFM published a schedule for agencies to review their rules over a five-year period. For 2023, the IPUC is scheduled to review its customer relations rules, systems of accounting rules, master metering rules and its gas service rules.

### Procedural overview

At its April 20, 2023 decision meeting, the Commission directed Commission Staff (Staff) to submit the necessary forms to publish a Notice of Negotiated Rulemaking in the Administrative Bulletin. The Commission authorized Staff to conduct negotiated rulemaking consistent with I.C. § 67-5220 and Executive Order No. 2020-01.

Commission dockets were subsequently opened, and the Notice of Negotiated Rulemaking was published in early June 2023. The Notice of Negotiated Rulemaking scheduled public meetings for July 12 and 13, 2023.

On May 4, 2023 the IPUC posted track-changes Word documents with proposed changes to the IPUC's website.

Public Comments

Intermountain Gas filed public comments relating to the customer relations rules, and gas service rules. The comments were posted to the Commissions website under RUL-U-23-04.

July 12 and 13, 2023 negotiated rulemaking meetings

The negotiated rulemaking meeting was attended by the following persons:

- **Idaho Power Company:** Lisa Nordstrom, Riley Maloney and Megan Goicoechea.
- **Rocky Mountain Power / PacifiCorp:** Will Smith.
- **Idaho Conservation League:** Brad Heusinkveld.
- **Commission Staff:** Stephen Goodson, Joshua Haver and Adam Rush.

Commission Staff stated that they have received phone calls from constituents regarding Rule 306 of the customer relations rule wanting to extend the winter moratorium from December through March, instead of December through February. Idaho Power representative Lisa Nordstrom proposed that there are both pros and cons to making that change, noting that by extending the moratorium another month it makes the customer's bill that much bigger and more difficult to pay when the bill comes due at the end of the moratorium.

DFM suggested making deletions to Rule 100.02 in the master metering rules. Idaho Conservation League stated that keeping that language in that section makes it clear what are exceptions for sub-mobile home parks.