

**Notice of Intent - Negotiated Rulemaking with Scheduled Meetings****IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION****31.01.01 – RULES OF PROCEDURE FOR THE IDAHO PUBLIC UTILITIES COMMISSION****DOCKET NO. XX-XXXX-XXXX (OARC will assign)****NOTICE OF INTENT TO PROMULGATE RULES –  
ZERO-BASED REGULATION NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to 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 particular authority of Sections 56-904, 61-304, 61-305, 61-306, 61-307, 61-308, 61-309, 61-501, 61-502, 61-503, 61-504, 61-505, 61-507, 61-516, 61-538, 61-541, 61-601, 61-602, 61-603, 61-604, 61-605, 61-606, 61-607, 61-608, 61-609, 61-610, 61-611, 61-612, 61-613, 61-614, 61-615, 61-616, 61-617, 61-618, 61-619, 61-621, 61-622, 61-623, 61-624, 61-625, 61-626, 61-803, 61-804, 61-805, 61-806, 61-902, 61-903, 61-904, 61-905, 61-909, 61-1003, 61-1004, 61-1005, 61-1007, 61-1305, 61-1306, 61-1603, 61-1604, 61-1605, 61-1606, 61-1607, 61-1703, 61-1704, 61-1705, 61-1706, 61-1707, 61-1708, 61-1709, 62-304, 62-305, 62-424, 62-602, 62-603, 62-604, 62-605, 62-606, 62-607, 62-608, 62-609, 62-610, 62-611, 62-612, 62-613, 62-614, 62-615, 62-616, 62-619, 62-622, 62-1201, 62-1202, 61-1203, 61-1204, 61-1205, 61-1206, 62-1207, 62-1303, 62-1304, 63-3029I, and 67-6528, Idaho Code, and Executive Order No. 20201-01.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

**Date and time:** Tuesday, June 29, 2021, 9:00 AM (MST)

**Location:** Idaho Public Utilities Commission  
Hearing Room  
11331 W. Chinden Blvd.  
Building 8, Suite 201-A  
Boise, Idaho 83714

To participate by phone or web conferencing, please contact Adam Rush at (208) 334-0339 or [adam.rush@puc.idaho.gov](mailto:adam.rush@puc.idaho.gov).

Any additional meeting dates will be posted at <https://puc.idaho.gov> in the “News Updates” section.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are

---

encouraged to attend the scheduled meeting in person or via telephone/web conferencing. For those who cannot participate by attending the meeting, written comments may be submitted to the Idaho Public Utilities Commission by email at [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov). Written comments may also be submitted using the Idaho Public Utilities Commission's Case Comment Form: <https://puc.idaho.gov/Form/CaseComment>.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

**DESCRIPTIVE SUMMARY:** The Idaho Public Utilities Commission initiated this rulemaking in compliance with Executive Order No. 2020-01: Zero-Based Regulation, issued by Governor Little on January 16, 2020. Pursuant to Executive Order No. 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at [https://adminrules.idaho.gov/rulemaking\\_templates/index.html](https://adminrules.idaho.gov/rulemaking_templates/index.html). This is the Idaho Public Utilities Commission's rule chapter up for review in 2021.

The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

**ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Stephen Goodson at (208) 334-0323. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Public Utilities Commission web site at the following web address: [puc.idaho.gov](http://puc.idaho.gov).

DATED: 5/12/2021

Jan Noriyuki  
Commission Secretary  
11331 West Chinden Blvd, Ste 201-A  
Boise, ID 83714  
(208) 334-0323  
[Secretary@puc.idaho.gov](mailto:Secretary@puc.idaho.gov)

**Zero-Based Regulation  
Prospective Analysis**

- **Fill out entire form to the best of your ability, unless submitting a Notice to Negotiate only fill out 1, 2, and 5**

**Agency Name:**

**Rule Docket Number:**

**1. What is the specific legal authority for this proposed rule?**

<b>Statute Section (include direct link)</b>	<b>Is the authority mandatory or discretionary?</b>
<small>Section 61-601, Idaho Code—Practice—evidence. <a href="https://legislature.idaho.gov/statutesrules/idstat/tit6/1/061ch6/sec61-601/">https://legislature.idaho.gov/statutesrules/idstat/tit6/1/061ch6/sec61-601/</a></small>	Mandatory
See attached statute list	Some Mandatory, some Discretionary

**2. Define the specific problem that the proposed rule is attempting to solve? Can the problem be addressed by non-regulatory measures?**

In Executive Order No. 2020-01, Zero-Based Regulation, Governor Little directed agencies to conduct a 5-year review of each rule chapter effective on June 30, 2020. The Idaho Public Utilities Commission initiated this rulemaking in compliance with Executive Order No. 2020-01.

The problem cannot be addressed by non-regulatory measures.

**3. How have other jurisdictions approached the problem this proposed rule intends to address?**

**a. Is this proposed rule related to any existing federal law?**

Federal citation	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

**b. How does this proposed rule compare to other state laws?**

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Washington		
Oregon		
Nevada		
Utah		
Wyoming		
Montana		
Alaska		
South Dakota		

**c. If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:**

**4. What evidence is there that the rule, as proposed, will solve the problem?**

--

**5. What is the anticipated impact of the proposed rule on various stakeholders? Include how you will involve stakeholders in the negotiated rulemaking process?**

<b>Category</b>	<b>Potential Impact</b>
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	None anticipated.
Impact to Idaho businesses, with special consideration for small businesses	As the intent of this rulemaking is to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use, it is anticipated that the proposed rulemaking will ultimately reduce the regulatory burden on Idaho businesses.
Impact to any local government in Idaho	None anticipated.

**6. What cumulative regulatory volume does this proposed rule add?**

<b>Category</b>	<b>Impact</b>
Net change in word count	
Net change in restrictive word count	

**Specific Legal Authority for the Rules of the Procedure of the Idaho Public Utilities Commission**

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 particular authority of Sections 56-904, 61-304, 61-305, 61-306, 61-307, 61-308, 61-309, 61-501, 61-502, 61-503, 61-504, 61-505, 61-507, 61-516, 61-538, 61-541, 61-601, 61-602, 61-603, 61-604, 61-605, 61-606, 61-607, 61-608, 61-609, 61-610, 61-611, 61-612, 61-613, 61-614, 61-615, 61-616, 61-617, 61-618, 61-619, 61-621, 61-622, 61-623, 61-624, 61-625, 61-626, 61-803, 61-804, 61-805, 61-806, 61-902, 61-903, 61-904, 61-905, 61-909, 61-1003, 61-1004, 61-1005, 61-1007, 61-1305, 61-1306, 61-1603, 61-1604, 61-1605, 61-1606, 61-1607, 61-1703, 61-1704, 61-1705, 61-1706, 61-1707, 61-1708, 61-1709, 62-304, 62-305, 62-424, 62-602, 62-603, 62-604, 62-605, 62-606, 62-607, 62-608, 62-609, 62-610, 62-611, 62-612, 62-613, 62-614, 62-615, 62-616, 62-619, 62-622, 62-1201, 62-1202, 61-1203, 61-1204, 61-1205, 61-1206, 62-1207, 62-1303, 62-1304, 63-3029I, and 67-6528, Idaho Code.