

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF**

**FROM: DON HOWELL
DEPUTY ATTORNEY GENERAL**

RUL-R-12-01

DATE: AUGUST 19, 2011

**SUBJECT: UPDATING THE COMMISSION'S SAFETY AND ACCIDENT
REPORTING RULES, DOCKET NO. 31-1101-1101**

The Commission's Safety and Accident Reporting Rules (IDAPA 31.11.01) adopt by incorporation various national safety codes applicable to electric, telephone and natural gas utilities and the federal safety regulations applicable to natural gas and pipeline utilities. Currently, Rule 101 adopts the 2007 edition of the National Electric Safety Code (NESC) published by the Institute of Electrical and Electronic Engineers, Inc. Rule 201 adopts the 2007 edition of 49 Code of Federal Regulations (CFR) Parts 191-193, 195 and 199 addressing the construction and operation of natural gas pipelines. Next, Rule 202 incorporates by reference the 2009 edition of the International Fuel Gas Code (IFGC) published by the International Code Council. Finally, Rule 203 incorporates by reference the 2009 edition of the International Mechanical Code (IMC) for natural gas or gas-burning appliances.

Staff recommends that the Commission update these four safety rules by adopting the 2012 edition of the NESC, the 2012 edition of the IMC, and 2012 edition of the IFGC. In addition, Staff recommends that the Commission adopt the October 1, 2011 edition of the pipeline safety CFRs and 18 C.F.R. Part 260.9. The current rule adopted the 2009 edition of the CFR pertaining to natural gas pipelines.

RECENT CHANGES TO THE NESC

There are several revisions included in the 2012 edition NESC. First, Section 91 has been clarified concerning the effectively grounding of conductors and equipment. Second, Sections 94B7 and 99B have been revised concerning the length and thickness requirements for

using a directly embedded metal pole as a grounding electrode and changing the grounding conductor for communication equipment. Third, Section 110A2 and Table 111-1 have been revised to reduce clearances between fences and electric apparatus and the illumination levels for generating states and substations. Fourth, Section 214A5 was revised to add consistency to the application of the terms “grounded” and “effectively grounded.” Fifth, Section 261H1 was revised to address tensions on overhead supply conductors and shield wires. Next, Sections 441 and 410A3 were revised concerning the calculation of minimum approach distances and arc flash exposure. Finally, Section 410A3 was revised to establish arc energy thresholds for different equipment at voltage levels below 1,000 volts.

CFR CHANGES SINCE 2010

The Commission’s Rule 201 currently adopts by incorporation the federal pipeline safety regulations issued by the Pipeline and Hazardous Material Safety Administration (PHMSA). Rule 201 applies to natural gas and pipeline utilities in Idaho.

There are four major revisions included in the 2011 edition of the federal Pipeline Safety Regulations. First, in October 2010 PHMSA amended 49 C.F.R. Part 192, 193, and 195 by adopting various technical standards. Adoption of these technical standards allows pipeline operators to use current technologies, improved materials, and improve their management practices. Adoption of these technical standards does not require pipeline operators to take on any significant new pipeline safety initiatives. Second, in November 2010, PHMSA revised its pipeline safety regulations to improve the reliability of data collected from operators of natural gas pipelines. These amendments affect 49 C.F.R. Parts 191, 192, 193, and 195.

Third, in February 2011, PHMSA amended its Pipeline Safety Regulations in 49 C.F.R. Parts 191 and 192 to clarify the types of pipeline fittings involved in the reporting of compression coupling failures. These changes require the operators of pipelines to report the failures of mechanical fittings and clarifying the reporting requirements for “excess flow valves.” These changes became effective in April 2011. Finally, in June 2011, PHMSA amended its Pipeline Safety Regulations found in 49 C.F.R. Parts 192 and 195 to require pipeline operators to implement procedures for the operation of their system “control rooms.” These operating procedures include shift lengths, maximum hours-of-service, and responses to alarms. These changes became effective August 15, 2011.

RULE 202 – INTERNATIONAL FUEL GAS CODE

The Commission's Rule 202 adopts the 2009 edition of the International Fuel Gas Code. There are three major revisions included in the 2012 edition of the IFGC. First, the International Code Council has revised Section 301.11 regarding the location of mechanical equipment and systems located in flood hazard areas except for equipment specifically designed and installed to be waterproof. Second, Sections 406.7.1 through 406.7.3 have been revised to improve the procedures and requirements for purging fuel gas lines. Finally, Section 410.5 requires that a flashback arrester and backflow check valve be installed on both fuel supply and oxygen lines when fuel gas is used in combination with oxygen.

RULE 203 – INTERNATIONAL MECHANICAL CODE

Rule 203 currently adopts by incorporation the 2009 edition of the International Mechanical Code applicable gas or gas-burning appliances. There are three major revisions included in the 2012 edition to the International Mechanical Code. First, Section 301.16 requires all mechanical equipment and system for structures located in flood hazard areas to be elevated above flood level unless such equipment is specifically designed to be waterproof. Second, Section 401.4 adopts new provisions concerning the locations of air intake openings. In particular, intake openings must be located a minimum of 10 feet from property lot lines. Air intakes may be located less than 10 feet horizontally from a street, alley, parking lot, or loading zone as long as they are located not less than 25 feet vertically from the surface below. Finally, Section 501 has been revised to require that single or combined environmental exhaust systems must be independent of all other exhaust systems.

STAFF RECOMMENDATION

Staff recommends that the Commission update its Safety Rules 101, 201, 202, and 203 as described above and set out in the attached proposed amendments. Adoption of the current Safety Codes and the CFRs will make these rules consistent with federal safety regulations concerning natural gas and pipeline utilities.

COMMISSION DECISION

Should Rules 101, 201, 202, and 203 of the Commission's Safety and Accident Reporting Rules be updated by the adoption of the 2011 edition of pipeline safety CFRs and 2012 editions of the NESC, IFGC, and the IMC? Does the Commission wish to forward these proposed changes to the Administrative Rules Coordinator for publication in the next Administrative Bulletin?



Don Howell
Deputy Attorney General

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**IDAPA 31
TITLE 11
CHAPTER 01**

**31.11.01 - SAFETY AND ACCIDENT REPORTING RULES
FOR UTILITIES REGULATED
BY IDAHO PUBLIC UTILITIES COMMISSION**

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

The Commission adopts by reference the American National Standards Institute (ANSI) C2-2007/12 National Electrical Safety Code (NESC), 2007/12 Edition. The National Electrical Safety Code, 2007/12 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. (3-30-07)(____)

(BREAK IN CONTINUITY OF SECTIONS)

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

The Commission incorporates by reference Part 260.9, Title 18 (April 1, 2010/1) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 2010/1), 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 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. 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. (4-7-11)(____)

202. INTERNATIONAL FUEL GAS CODE (IFGC) (RULE 202).

01. Incorporation by Reference. The Commission incorporates by reference the International Fuel Gas Code, 2009/12 Edition except for Part 2 of Chapter 1. The International Fuel Gas Code is published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001-2070. The Code is available from the Code Council and may be ordered online. Telephone orders may be placed by calling toll-free 800- 786-4452.

(3-29-10)(____)

02. Utility Compliance. All gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Fuel Gas Code and to connect for service and light only those installations that: (3-20-04)

a. Have been inspected and approved by authorized agencies; or (4-1-98)

b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Fuel Gas Code as a condition of receiving service or continuing to receive service. (3-20-04)

203. INTERNATIONAL MECHANICAL CODE (IMC) (RULE 203).

01. Incorporation by Reference. The Commission incorporates by reference those portions of the ~~2009~~2012 International Mechanical Code explicitly referring to gas or gas-burning appliances except Part 2 of Chapter 1. The International Mechanical Code is published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001-2070 and may be ordered by calling toll-free 800-786-4452 or online. (~~3-29-10~~)(____)

02. Utility Compliance. Gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Mechanical Code and to connect for service and light only those installations that: (3-20-04)

a. Have been inspected and approved by authorized agencies; or (4-1-98)

b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Mechanical Code as a condition of receiving service or continuing to receive service. (3-20-04)