

Regulating Idaho's railroads

More than 900 miles of railroad track in Idaho have been abandoned since 1976. Federal law governs rail line abandonments. The federal Surface Transportation Board (formerly the Interstate Commerce Commission) decides the final outcome of abandonment applications. Under Idaho law, however, after a railroad files its federal notice of intent to abandon, the IPUC must determine whether the proposed abandonment would adversely affect the public interest. The commission then reports its findings to the STB.

In reaching a conclusion, the commission considers whether abandonment would adversely affect the service area, impair market access or access of Idaho communities to vital goods and services, and whether the line has a potential for profitability.

The Idaho Public Utilities Commission also conducts inspections of Idaho's railroads to determine compliance with state and federal laws, rules and regulations concerning the transportation of hazardous materials, locomotive cab safety and sanitation rules, and railroad/highway grade crossings.

Hazardous material inspections are conducted in rail yards. In 1994, Idaho was invited to participate in the Federal Railroad Administration's State Participation Program. IPUC has a State Program Manager and two FRA certified hazardous material inspectors.

The IPUC inspects railroad-highway grade crossings where incidents occur, investigates citizen complaints of unsafe or rough crossings and conducts railroad-crossing surveys.

Railroad Activity Summary 2013

Inspections	133
Rail cars inspected	1384
Violations	16
Rail cars with defects	122
Crossing accidents investigated	2
Crossing complaints	2
Locomotives Inspected	9
Defects within locomotives inspected	0

Regulating Idaho’s Pipelines

Idaho Code 61-515 empowers the Idaho Public Utilities Commission to require every utility to “maintain and operate its line, plant, system, equipment, apparatus, and premises in such a manner that promote and safeguard the health and safety of its employees, customers and the public.”

Pursuant to 49 U.S.C Section 60105, chapter 601, the Idaho Public Utilities Commission is a certified partner with the U.S. Department of Transportation Pipeline Hazardous Material Safety Administration. The federal/state partnership provides the statutory basis for the pipeline safety program and establishes a framework for promoting pipeline safety through federal delegation to the states for all or part of the responsibility for intrastate natural gas pipeline facilities under annual certification.

Under the certification, Idaho assumes inspection and enforcement responsibility with respect to more than 8,300 miles of intrastate natural gas pipelines over which it has jurisdiction under state law. With the certification, Idaho may adopt additional or more stringent standards for intrastate pipeline facilities provided the standards are compatible with federal regulations.

The Idaho Public Utilities Commission has a state program manager and two training and certified pipeline safety inspectors who conduct records audits and field installed equipment inspections on all intrastate natural gas pipeline operators under jurisdiction.

Pipeline Safety Activity Summary

Standard inspection days	115
Compliance inspection days	9
Damage prevention inspection days	4
Construction inspection days	5
Operator Qualification inspection days	4
Integrity Management Program inspection days	22
Incident/Accident inspection days	2
Operator Training inspection days	8
 Compliance Enforcement Actions:	
Notice of Probable Violation	33
Notice of Amendment	13
Warning Letters	1

Consumer Assistance

The Consumer Assistance staff responded to 1,876 complaints, comments or inquiries in calendar year 2012, of which 92 percent were from residential customers.

Breakdown of complaints by type of utility

Contacts regarding telecommunications companies:	27 percent
Contacts regarding energy (electric, gas) companies:	52 percent
Contacts regarding water companies:	10 percent
Non-utility related contacts:	11 percent

(CenturyLink had 45 percent of telecommunication complaints; Idaho Power had 54 percent and Intermountain Gas 18 percent of energy utility complaints and United Water had 41 percent of water complaints.)

Summary of service quality issues:

Billings	21 percent
Credit and collection issues	33 percent
Miscellaneous	20 percent
Utility rates and policies	13 percent
Telecommunications issues	4 percent
Line extensions and service upgrades	3 percent
Service quality and repair	6 percent

While dispute resolution remains an important task, it is hoped that by working with consumer groups, social service agencies, and utilities, persistent causes of consumer difficulties can be identified and addressed.

Consumer complaints present an opportunity for utilities and the commission to learn the effect of utility practices and policies on people. For example, the unintentional and perhaps unfair impact of a rule or regulation might be discovered in the course of investigating a complaint. In such cases an informal, negotiated remedy may not be possible, and formal action by the commission would be required. The Consumer Assistance Staff's participation in formal rate and policy cases before the commission is the primary method used to address these issues.

While the Consumer Assistance Staff is able to respond to some consumer inquiries without extensive research, about 77 percent of consumer complaints required investigation by the staff. About 52 percent of investigations resulted in reversal or modification of the utilities' original action.

Toll-Free Complaint Line

The commission has a toll-free telephone line for receiving utility complaints and inquiries from consumers outside the Boise area. The toll-free line **(1-800-432-0369)** is reserved for inquiries and complaints concerning utilities. Consumers may also file a complaint electronically via the commission's Website at www.puc.idaho.gov.