

UTILITIES DIVISION[199]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.2, 476.8, 476A.12, 478.19, 478.20, 479.4, and 479.17, the Utilities Board (Board) gives notice that on March 25, 2016, the Board issued an order in Docket No. RMU-2016-0001, In re: Updates and Corrections of Rules Establishing Natural Gas and Electric Safety Standards [199 IAC Chapters 10, 19, 20, and 25], “Order Commencing Rule Making,” proposing to update the safety standards adopted for utilities providing natural gas and electric service and to make certain corrections to the Board’s safety standards rules.

The safety standards in 199 IAC Chapters 10, 19, 20, and 25 are designed to ensure that facilities under the Board’s jurisdiction that are used to provide service to the public shall comply with federal statutes, regulations, and other applicable national standards addressing the safety of these facilities.

Board Safety and Engineering Section staff periodically review the electric and gas technical standards incorporated by reference in the Board’s rules which the Section uses when it inspects the operations and facilities of public utilities. Since the standards change periodically, updates and corrections to the standards in the Board’s rules are necessary from time to time. The Board is proposing amendments to the natural gas and electric safety standards in its rules based upon changes to those standards that have occurred since the last amendments were adopted.

The proposed changes are primarily updates of technical standards incorporated by reference. Of particular importance is the renewal of the adoption date of the federal pipeline safety standards. Federal guidelines for states participating in the federal Pipeline Safety Grant Program administered by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), require that states adopt amendments to the federal pipeline safety regulations, or at least be in the process of adopting them, within two years of the effective date of the amendments to the federal regulations. Timely adoption of such amendments is a factor in the PHMSA performance score, which in turn is the basis for an agency’s pipeline safety grant. Further, the Board may be unable to enforce current federal standards that it has not yet incorporated by reference into its own rules.

The Board’s rules currently adopt the federal pipeline safety standards as amended through April 9, 2014. Since that date, the federal standards have been amended several times, including new requirements for plastic pipe materials and joiner qualification, and updates to standards incorporated by reference. For adoption of federal standards, the proposed rules provide for insertion of the latest possible date by which the rules can become effective. This practice ensures the Board will adopt the most current amendments to federal standards, and the practice is consistent with prior rule makings concerning the updating of standards. In several instances, the current federal standards are based upon industry standard documents that are not the most recent editions; in such cases, for the sake of consistency, the Board will adopt the current federal standard.

In addition, the Board proposes to correct its provision adopting the American National Standards Institute (ANSI) A300 (Part 1) standard on tree pruning. The proposed change would specify the version year of Part 1 only, which is the only section of the larger standard that the Board has adopted. Finally, the Board also proposes to delete references to federal statutory provisions and regulations concerning outdoor gas lighting which have been repealed or rescinded.

The order approving this Notice of Intended Action can be found on the Board’s Electronic Filing System (EFS) Web site, <http://efs.iowa.gov>, in Docket No. RMU-2016-0001.

Pursuant to Iowa Code sections 17A.4(1)(a) and (b), any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before May 3, 2016. The statement should be filed electronically through the Board's Electronic Filing System (EFS). Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Any person who does not have access to the Internet may file comments on paper pursuant to 199 IAC 14.4(5). An original and ten copies of paper comments must be filed. Both electronic and written filings shall comply with the format requirements in 199 IAC 2.2(2), shall clearly state the author's name and address, and shall make specific reference to this docket. All paper communications should be directed to the Executive Secretary, Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069.

In light of prior experience with similar rule updates, and in view of the opportunity for written comment, the Board does not believe that oral comment is necessary in this matter. However, should interested persons wish to have an opportunity for oral comment, they may submit a request to the Board in writing pursuant to Iowa Code section 17A.4(1)(b).

After analysis and review of this rule making, the Board tentatively concludes that the proposed amendments, if adopted, will have a beneficial effect on the safety and reliability of natural gas and electric service in Iowa. Safe and reliable electric service is a necessity for economic development, so the proposed amendments will have a beneficial effect on jobs in Iowa, although that effect cannot be quantified.

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.2, 476.8, 476A.12, 478.19, 478.20, 479.4, and 479.17.

The following amendments are proposed.

ITEM 1. Amend subrule 10.12(1) as follows:

10.12(1) All pipelines, underground storage facilities, and equipment used in connection therewith shall be designed, constructed, operated, and maintained in accordance with the following standards:

a. 49 CFR Part 191, "Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through ~~April 9, 2014~~ [the effective date of this amendment].

b. 49 CFR Part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards," as amended through ~~April 9, 2014~~ [the effective date of this amendment].

c. 49 CFR Part 199, "Drug and Alcohol Testing," as amended through ~~April 9, 2014~~ [the effective date of this amendment].

d. to f. No change.

Conflicts between the standards established in paragraphs 10.12(1) "a" through "f" or between the requirements of rule 199—10.12(479) and other requirements which are shown to exist by appropriate written documentation filed with the board shall be resolved by the board.

ITEM 2. Amend subrule 19.2(5) as follows:

19.2(5) *Annual, periodic and other reports to be filed with the board.*

a. to f. No change.

g. *Reports to federal agencies.* Copies of reports submitted to the U.S. Department of Transportation pursuant to 49 CFR Part 191, Part 192, or Part 199, as amended through ~~April 9, 2014~~ [the effective date of this amendment], shall be filed with the board. Utilities operating in other states shall provide to the board data for Iowa only.

h. to k. No change.

ITEM 3. Amend rule **199—19.3(476)**, implementation sentence, as follows:

This rule is intended to implement 42 U.S.C.A. §8372, 10 CFR 516.30, and Iowa Code section 476.8.

ITEM 4. Amend subrule 19.5(2) as follows:

19.5(2) *Standards incorporated by reference.*

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, “Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports,” as amended through ~~April 9, 2014~~ [the effective date of this amendment].

(2) 49 CFR Part 192, “Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards,” as amended through ~~April 9, 2014~~ [the effective date of this amendment].

(3) 49 CFR Part 193, “Liquefied Natural Gas Facilities: Federal Safety Standards,” as amended through ~~April 9, 2014~~ [the effective date of this amendment].

(4) 49 CFR Part 199, “Drug and Alcohol Testing,” as amended through ~~April 9, 2014~~ [the effective date of this amendment].

(5) ASME B31.8 - 2007, “Gas Transmission and Distribution Piping Systems.”

(6) NFPA 59-~~2008~~ 2004, “Utility LP-Gas Plant Code.”

(7) At railroad crossings, 199—42.7(476), “Engineering standards for pipelines.”

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) ANSI Z223.1/NFPA 54-~~2012~~ 2015, “National Fuel Gas Code.”

(2) NFPA 501A-2013, “Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities.”

ITEM 5. Amend subrule 19.8(3) as follows:

19.8(3) *Turning on gas.* Each utility upon the installation of a meter and turning on gas or the act of turning on gas alone shall take the necessary steps to assure itself that there exists no flow of gas through the meter which is a warning that the customer’s piping or appliances are not safe for gas turn on (Ref: Sec. 8.2.3 and Annex D, ANSI Z223.1/NFPA 54-~~2009~~ 2015).

ITEM 6. Amend ~~199—Chapter 19~~, implementation sentence, as follows:

These rules are intended to implement ~~42 U.S.C.A. 8372, 10 CFR, 516.30, and Iowa Code sections 476.1, 476.2, 476.6, 476.8, 476.20, 476.54, 476.66, 476.86, 476.87 and 546.7.~~

ITEM 7. Amend subrule 20.5(2) as follows:

20.5(2) *Standards incorporated by reference.* The utility shall use the applicable provisions in the publications listed below as standards of accepted good practice unless otherwise ordered by the board.

a. Iowa Electrical Safety Code, as defined in 199—Chapter 25.

b. National Electrical Code, ANSI/NFPA 70-~~2011~~ 2014.

c. American National Standard Requirements for Instrument Transformers, ANSI/IEEE C57.13.1-2006; and C57.13.3-2005.

d. American National Standard for Electric Power Systems and Equipment Voltage Ratings (60 Hertz), ANSI C84.1-2011.

e. Grounding of Industrial and Commercial Power Systems, IEEE 142-2007.

f. IEEE Standard 1159-2009, IEEE Recommended Practice for Monitoring Electric Power Quality or any successor standard.

g. IEEE Standard 519-~~1992~~ 2014, IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems or its successor standard.

h. At railroad crossings, 199—42.6(476), “Engineering standards for electric and communications lines.”

ITEM 8. Amend subrule 25.2(5) as follows:

25.2(5) *Other references adopted.*

a. The “National Electrical Code,” ANSI/NFPA 70-~~2011~~ 2014, is adopted as a standard of accepted good practice for customer-owned electrical facilities beyond the utility point of delivery, except for installations subject to the provisions of the state fire marshal standards in 661—504.1(103).

b. No change.

ITEM 9. Amend subrule 25.3(5) as follows:

25.3(5) *Guidelines.* Applicable portions of Rural Utilities Service (RUS) Bulletins 1730-1, 1730B-121, and 1724E-300 and “The Lineman’s and Cableman’s Handbook” are suggested as guidelines for the development and implementation of an inspection plan. ANSI A300 (Part 1)-~~2013~~

2008 (R2014), “Pruning,” and Section 35 of “The Lineman’s and Cableman’s Handbook” are suggested as guides for tree trimming practices.