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IDAPA 31
TITLE 81
CHAPTER 01

31.81.01 - RULES RELATING TO ELECTRIC AND NATURAL OR MANUFACTURED GAS CONSUMPTION FROM GROUND WATER PUMPING

(THE ENERGY CONSUMPTION REPORTING RULES)

GENERAL PROVISIONS
RULES 0 THROUGH 10

000. LEGAL AUTHORITY (RULE 0).
These rules are promulgated pursuant to the authority of the Electric and Natural or Manufactured Gas Consumption from Ground Water Pumping Act (hereinafter the Energy Consumption Act), Chapter 13, Title 62, Idaho Code, and the Public Records Act, Section 74-107(13), Title 74, Idaho Code. (4-26-95)

001. TITLE AND SCOPE (RULE 1).
The title of these rules is the "Energy Consumption Reporting Rules." These rules apply to all suppliers of electricity, or natural or manufactured gas, including public utilities, municipal, mutual nonprofit, and cooperative corporations. These rules should be construed in connection with the Energy Consumption Act, the Public Utilities Law, the Public Records Law, and other applicable state laws. Procedures in these Energy Consumption Reporting Rules will be liberally interpreted to secure a just, speedy and economical determination of issues presented to the Commission. Unless prohibited by statute or rule of substantive law, the Commission may permit deviation from procedural rules in these rules when it finds compliance with them is impracticable, unnecessary or not in the public interest. (4-26-95)

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES (RULE 2).
The Supervisor of the Commission's Engineering Section is authorized to make and give informal interpretations of the terms and definitions found in the Energy Consumption Act and these rules. Written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or may be reached by telephone at (208) 334-0300. The Commission reserves to itself the authority to issue formal declaratory orders construing these rules. (4-26-95)

003. ADMINISTRATIVE APPEALS (RULE 3).
All administrative procedures under these rules are conducted under the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (4-26-95)

004. PUBLIC RECORD ACT COMPLIANCE (RULE 4).
The energy consumption reports required by these rules are exempt from public disclosure and copying under Section 74-107(13), Idaho Code. (4-5-00)

01. Report Summaries. The Department may make summaries of such reports available upon written request provided that the identity of individual customers or accounts is protected from public disclosure and cannot be ascertained from the summaries. (4-26-95)

02. Consumption Reports. The Department may release consumption reports to state and federal entities for research purposes provided the identity of individual customers or accounts is protected from public disclosure and cannot be ascertained from the reports. (4-26-95)

005. DEFINITIONS (RULE 5).
Whenever any term used in these rules is defined or referred to in the Energy Consumption Act, that term takes its statutory definition in these rules. The following terms used in these rules are defined: (4-26-95)

01. Commission. The Idaho Public Utilities Commission. (4-26-95)

02. Consumption Reports. The reports created by the energy suppliers as authorized by these rules and submitted to the Department. (4-26-95)

03. Department. The Idaho Department of Water Resources. (4-26-95)

04. Energy Suppliers. All suppliers of electric power and natural or manufactured gas including all public utilities, municipal, mutual nonprofit, and cooperative corporations providing energy to an irrigation customer. (4-26-95)

05. Geographic Areas. Hydrological basins with boundaries determined by the Department. The geographic areas are depicted in the Appendix to these rules. (4-26-95)

06. Irrigation Customer. A customer pumping ground water that is: (4-26-95)

a. Receiving service from an energy supplier under an irrigation service tariff or rate schedule; or (4-26-95)

b. Irrigating three (3) or more acres if such information is known to the energy supplier. (4-26-95)

07. Irrigation Season. As used in these rules means the calendar period from March 1 through October 31 or the energy supplier's billing cycles that include the calendar period. (4-26-95)

08. Service Location. The geographic position of the irrigation customer's pumping location(s) by address, pole number, legal description, longitude-latitude designations, or other description of where the service is delivered, to the extent such information is readily available to the energy supplier. (4-26-95)

006. CITATION (RULE 6).
The official citation of these rules is IDAPA 31.81.01.000 et seq. For example, this rule is cited as IDAPA 31.81.01.006. In documents submitted to the Department or issued by the Department, these rules may be cited as ECR. For example, this rule is cited as ECR 6. (4-26-95)

007. FORMS (RULE 7).
The Department is authorized to produce and distribute forms to carry out these rules. (4-26-95)

008. CORRESPONDENCE -- CHANGE OF ADDRESS (RULE 8).

01. Department's Mailing Address. All correspondence with the Department regarding these rules or energy consumption reports should be addressed to:

Water Allocation Bureau
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

The street address is: 322 E. Front St., Boise, ID 83720-0098. (4-26-95)

02. Supplier's Mailing Address Must be Provided to Department. Each energy supplier shall provide the Department with a name or department and its mailing address for the purpose of receiving notices and correspondence. Any change of address should be reported to the Department in writing. (4-26-95)

009. -- 010. (RESERVED)

REPORTING RULES
RULES 11 THROUGH 20

011. REQUEST FOR REPORTS (RULE 11).

No later than July 1 of each year, the Department may request consumption reports from energy suppliers for the current irrigation season. (4-26-95)

01. Notification by Department. The Department shall notify energy suppliers serving specific geographic areas that consumption reports must be submitted. (4-26-95)

02. Submission of Consumption Reports. Once the Department requests the consumption reports, such reports shall be prepared and submitted to the Department as soon as possible following the close of the irrigation season but no later than January 5 of the following year. (4-26-95)

012. CONTENTS OF CONSUMPTION REPORT (RULE 12).

01. Content of Consumption Reports. Each consumption report shall contain, to the extent available, the full name of the customer, customer account number, service location, service location identification number, and the amount of energy consumed in kilowatt hours (KWH), or cubic feet of gas, or other applicable volume measurement for each service location. For each service location, the annual consumption report shall indicate the customer's energy consumption for each billing period during the irrigation season and the total energy consumption for the entire irrigation season. (4-26-95)

02. Geographic Area(s) Covered in Consumption Report. The energy supplier may file a consumption report covering the specific geographic area(s) set forth in the Department's notice or, at the discretion of the supplier, a report that encompasses a larger territory so long as the Department's designated areas are included. (4-26-95)

013. REPORT FORMAT (RULE 13).
Consumption reports will be forwarded to the Department in an electronic storage media in a format mutually acceptable to the Department and the energy supplier. If an agreement is not reached or if the supplier is unable to provide the consumption report in electronic media, the report shall be submitted in writing. (4-26-95)

014. -- 020. (RESERVED)

REIMBURSEMENT RULES
RULES 21 THROUGH 30

021. REIMBURSEMENT OF COSTS (RULE 21).
Energy suppliers are entitled to reimbursement of the costs for preparing and submitting the consumption reports. Reimbursement shall be paid by the Department. (4-26-95)

022. WHEN TO FILE REIMBURSEMENT CLAIM (RULE 22).
Requests for reimbursement shall accompany the consumption reports. Energy suppliers seeking reimbursement shall itemize in sufficient detail their actual costs in preparing and submitting the data. (4-26-95)

023. RESOLUTION OF REIMBURSEMENT DISPUTES (RULE 23).
When an energy supplier and the Department are unable to resolve a reimbursement dispute, either party or both may seek informal dispute resolution with the Commission's staff. See IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Sections 021 through 024. If the outcome of the informal proceeding is unsatisfactory to either party, the aggrieved party may formally file a complaint with the Commission. See Sections 31.01.01.023 through 025, and 051 through 058. The Commission shall decide formal complaints in accordance with its Rules of Procedure, 31.01.01.000 et seq. (4-26-95)

024. -- 999. (RESERVED)

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