

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>INCIDENT AND OUTAGE REPORTING REQUIREMENTS FOR NATURAL GAS, ELECTRIC, AND WATER UTILITIES, COMMUNICATIONS PROVIDERS, AND OWNERS AND OPERATORS OF ELECTRIC FACILITIES [199 IAC chapters 19, 20, 21, 22, and 25]</p>	<p>DOCKET NO. RMU-07-6</p>
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ORDER ADOPTING AMENDMENTS

(Issued December 27, 2007)

PROCEDURAL BACKGROUND

Pursuant to the authority of Iowa Code chapters 476, 478, and 479 and § 17A.4, the Utilities Board (Board) is adopting amendments to chapters 19, 20, 21, 22, and 25 related to notification and reporting of incidents, outages, and accidents by natural gas, electric, and water utilities, communications providers, and owners and operators of electric facilities as described in the "Adopted and Filed" notice attached hereto and incorporated herein by reference. The adopted rules will prescribe when and what type of notice the Board is to receive so the Board can fulfill its statutory responsibilities to investigate and help keep the public and other government agencies informed about significant events that involve or affect utility service. The amendments are designed to establish procedures for immediate verbal or electronic notification to the Board so the Board can help promote a timely

response to the incidents by alerting the appropriate authorities, agencies, and other government officials, when necessary, and to initiate a Board investigation where appropriate.

A "Notice of Intended Action" with the proposed amendments was published in IAB Vol. XXX, No. 7 (9/26/07) p. 576, as ARC 6267B. The notice provided for comments to be filed by October 10, 2007, and an oral presentation was scheduled for October 30, 2007. Comments were filed by Interstate Power and Light Company (IPL); the Iowa Association of Municipal Utilities (IAMU); the Consumer Advocate Division of the Department of Justice (Consumer Advocate); MidAmerican Energy Company (MidAmerican); the Iowa Association of Electric Cooperatives (IAEC); AG Processing Inc. (AGP); Iowa-American Water Company (Iowa-American); the Iowa Telecommunications Association (ITA); CTIA-The Wireless Association® (CTIA); AT&T Communications of the Midwest, Inc., TCG Omaha, Inc., and SBC Long Distance, LLC, d/b/a AT&T Long Distance (collectively AT&T); Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom); MCImetro Access Transmission Services LLC, d/b/a Verizon Access Transmission Services, and MCI Communications Services, Inc., d/b/a Verizon Business Services (collectively Verizon); and Qwest Corporation (Qwest).

On October 30, 2007, the oral presentation was held as scheduled. Qwest, IPL, MidAmerican, CTIA, AT&T, and Verizon subsequently filed additional information in response to questions from the Board at the hearing.

The Board has summarized the comments regarding the proposed amendments below under each item as published in the Iowa Administrative Bulletin. The Board has also provided a discussion of any revisions that are being adopted based upon the comments.

**SUMMARY OF COMMENTS
AND DESCRIPTION OF ADOPTED AMENDMENTS**

I. Natural Gas Utilities

Item 1. Amend subrule 199—19.1(3) as follows:

19.1(3) "Interruption of service" means any disturbance of the gas supply whereby gas service to ~~50 customers or more in one segment or in a portion of a distribution system~~ a customer cannot be maintained.

No comments were filed. The Board will adopt the amendment as proposed.

Item 2. Rescind paragraph 199—19.2(5)"b."

No comments were filed. The Board will adopt the amendment as proposed.

Item 3. Amend paragraph 199—19.2(5)"i" as follows:

i. List of persons authorized to receive board inquiries. Each utility shall file with the board in the annual report required by 199—subrule 23.1(2) a list of names, titles, addresses, and telephone numbers of persons authorized to receive, act upon, and respond to communications from the board in connection with: (1) general management duties; (2) customer relations (complaints); (3) engineering operations; (4) meter tests and repairs; (5) ~~emergencies during nonoffice hours;~~ (6) pipeline permits (gas). Each utility shall file with the board a 24-hour contact number where the board can obtain current information about outages and incidents from a knowledgeable person. ~~Such~~ The contact information required by this paragraph shall be kept current as changes or corrections are made.

Consumer Advocate comments

Consumer Advocate points out that the proposed amendment to paragraph 19.2(5)"i" deletes the term "emergencies" and the proposed rule seems to cover emergency situations under the requirements for reporting incidents. Consumer Advocate indicates there may not be any consensus on what an emergency is but the order commencing rule making does not provide a discussion of why the term is being deleted.

Consumer Advocate also questions whether the term "outage" is necessary for this definition since outages normally apply to electric and communications service. "Interruptions of service" may be a more appropriate standard.

Board discussion

The Board will revise the proposed amendment by removing the reference to "outage" and inserting "interruption of service" since that is the term that is used in 199 IAC 19.1(3) regarding loss of gas service. The Board considers the term "incident" to be broad enough to include emergencies and will not revise the proposed amendment to include the term "emergencies." The Board will also revise the proposed amendment to make it clear that the utility is to file a telephone contact number with the Board where the Board can reach a person knowledgeable about the utility's operations 24 hours a day. The new language will read as follows:

Each utility shall file with the board a telephone contact number where the board can obtain current information 24 hours a day about incidents and interruptions of service from a knowledgeable person.

Item 4. Amend paragraph 199—19.7(7)"a" as follows:

a. Each utility shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be reestablished within the shortest time practicable, consistent with safety. Each utility shall maintain records for not less than two years of interruptions of service as ~~defined in 19.1(3)~~ required to be reported in 19.17(1) and shall periodically review these records to determine steps to be taken to prevent recurrence.

No comments were filed. The Board will adopt the amendment as proposed.

Item 5. Adopt new rule 199—19.17(476) as follows:

199—19.17(476) Incident notification and reports.

19.17(1) Notification. A utility shall notify the board immediately, or as soon as practical, of any event involving the release of gas, failure of equipment, or interruption of facility operations, which results in any of the following:

- a. A death or personal injury necessitating in-patient hospitalization.
- b. Estimated property damage of \$15,000 or more to the property of the utility and to others, including the cost of gas lost.
- c. Emergency shutdown of a liquefied natural gas (LNG) facility.
- d. An interruption of service to 50 or more customers.
- e. Any other incident considered significant by the utility.

19.17(2) Information required. The board shall be notified by telephone, as soon as practical, of any reportable incident by calling the board duty officer pager at 1-866-479-9461. The caller shall leave a call-back number for a person who can provide the following information:

- a. The name of utility and the name and telephone number of the person making the report, and the name and telephone number of a contact person knowledgeable about the incident.
- b. The location of the incident.
- c. The time of the incident.
- d. The number of deaths or personal injuries and the extent of those injuries, if any.
- e. An initial estimate of damages.
- f. The number of services interrupted.
- g. A summary of the significant information available to the utility regarding the probable cause of the incident and extent of damages.

h. Any oral or written report required by the U.S Department of Transportation, and the person who made the oral report or prepared the written report.

19.17(3) Written incident reports. Within 30 days of the date of the incident, the utility shall file a written report with the board. The report shall include the information required for telephone notice in subrule 19.17(2), the probable cause as determined by the utility, the number and cause of any deaths or personal injuries requiring in-patient hospitalization, and a detailed description of property damage and the amount of monetary damages. If significant additional information becomes available at a later date, a supplemental report shall be filed. Copies of any written reports concerning the incident or safety-related condition filed or submitted to the U.S. Department of Transportation or the National Transportation Safety Board shall also be provided to the board.

Consumer Advocate comments

Consumer Advocate points out that in subrule 19.17(1) the term "event" is used and then throughout the rest of the rule the term "incident" is used. The language is not clear that event and incident refer to the same circumstance.

Consumer Advocate points out in subrule 19.17(3) in the last sentence that copies of any written reports to federal agencies are required to be filed with the Board. The language refers not only to incidents but to reports involving the incident or "safety-related condition" filed with a federal agency. Consumer Advocate indicates it is not sure what additional reports this phrase refers to.

Consumer Advocate indicates that the larger issue raised by the proposed amendments is whether the proposed amendments will significantly improve the situation for reporting. Consumer Advocate suggests that even with the proposed amendments the reporting requirements may be unnecessarily complicated.

Consumer Advocate references the different parts of the proposed rules that require the utility to provide a number which the Board can use to get necessary information and the rules also require the utility to leave a number where additional information can be obtained when an incident is reported. Consumer Advocate suggests that the two different provisions could create confusion if the call-back number is different than the primary number. Consumer Advocate suggests that the utility be required to provide only one number for all contacts.

Board discussion

The Board considers the new rule 19.17 to be an improvement on the notification requirements for natural gas utilities. The new rule is clearer and the changes from the current requirements will ensure the Board is notified of those incidents where information will need to be provided to other government agencies and the public. The requirement in paragraph 19.2(5)"i" for a contact telephone number will provide the Board with a contact person when the Board needs information about utility operations even when an incident has not been reported. The contact number for a specific incident will allow the Board to obtain information about that particular incident. The two requirements are designed to achieve different purposes.

The Board will revise the proposed new rule by deleting the term "event" and replacing it with the term "incident" and adding "name of the" before the word "person" in paragraph 19.17(2)"h."

The Board has included a requirement that a utility file a copy of any "safety-related condition report" since this is a specific type of federal report required by 49 CFR Part 191. The Board does not currently have a requirement for filing this same type of report; however, the Board considers it important that it be made aware when such a report is filed by an Iowa utility. The Board will revise the last sentence in the proposed new subrule 19.17(3) to make it clear that the Board is requiring copies of federal reports on incidents or safety-related conditions that are not otherwise reportable under the Board rules. The new language will read as follows:

Copies of any written reports concerning an incident or safety-related condition filed or submitted to the U.S. Department of Transportation or the National Transportation Safety Board shall also be provided to the board.

II. Electric Utilities

Item 6. Amend paragraph 199—20.2(5)"k" as follows:

k. List of persons authorized to receive board inquiries. Each utility shall file with the board in the annual report required in 199—23.1(2) a list of names, titles, addresses, and telephone numbers of persons authorized to receive, act upon, and respond to communications from the board in connection with: (1) general management duties; (2) customer relations (complaints); (3) engineering operations; (4) meter tests and repairs; (5) ~~emergencies during nonoffice hours;~~ (6) franchises for electric lines; ~~(7)~~ (6) certificates for electric generating plants. Each utility shall file with the board a 24-hour contact number where the board can obtain current information about outages from a knowledgeable person. Such The contact information required by this paragraph shall be kept current as changes or corrections are made.

Consumer Advocate comments

Consumer Advocate raises the same question about the deletion of the term "emergencies" that it made above with regard to paragraph 19.2(5)"i," although the

reference is different. Consumer Advocate questions whether there may be some incidents that the Board should be notified of that could be described as emergencies but not covered by the term "outage." Consumer Advocate suggests that the term "incident" might be more inclusive.

Board discussion

The Board will revise the proposed amendment by adding "interruptions of service" rather than "incident." The revision is as follows:

Each utility shall file with the board a telephone contact number where the board can obtain current information 24 hours a day about outages and interruptions of service from a knowledgeable person.

Item 7. Amend subrule 20.18(6) as follows:

~~20.18(6) Notification requirements and other reporting~~ Notification and reporting of major events as defined in subrule 20.18(4) shall comply with the requirements of rule 20.19(476,478).

~~a. Notification. Each electric utility with over 50,000 Iowa retail customers shall notify the board of major event as defined in subrule 20.18(4) and of any other widespread outage considered significant by the electric utility. The notice shall be provided as soon as practical once the occurrence of a major event becomes known to the electric utility. Notice shall be made by telephone to the board's customer services section, by electronic mail to the board's general E-mail address, or by facsimile. The notice shall include, to the electric utility's best knowledge at the time;~~

~~(1) The nature or cause of the major event;~~

~~(2) The area affected by the major event;~~

~~(3) The number of customers that have experienced a sustained interruption of service; and~~

~~(4) The estimated time until service is restored.~~

~~The electric utility shall provide periodic updates to the board as new or improved information becomes available until all service is restored. The electric utility shall periodically report to the general public (via broadcasts or other media and by updating telephone answering machines) its best estimate as to when the service will be restored.~~

~~b. Major event report. Each electric utility with over 50,000 Iowa retail customers shall submit a report to the board within 20 business days after the end of a major event. The report shall include the following:~~

- ~~(1) A description of the event;~~
- ~~(2) The total number of customers out of service over the course of the major event at six-hour intervals, identified by operating area or circuit area;~~
- ~~(3) The longest customer interruption;~~
- ~~(4) The damage cost estimates to the electric utility's facilities;~~
- ~~(5) The date and time when storm center opened and closed;~~
- ~~(6) The number of people used to restore service;~~
- ~~(7) The name and telephone number of a utility employee who may be contacted about the outage.~~

IAEC comments

IAEC does not oppose the rescission of this subrule but wants to ensure that the new reporting requirements that will apply to its members do not create unnecessary reporting and are not burdensome on those employees who are devoting their time to restoring electric service.

Board discussion

The Board retained the reporting requirements in 199 IAC 20.18 for what are defined as "major events" realizing that notification pursuant to new rule 20.19 may require earlier reporting and may make some of the reporting requirements regarding "major events" unnecessary. Rather than proposing amendments to the reporting requirements in rule 20.18 at this time, the Board will review those requirements after it has experience with reporting under the new notification and reporting rules.

Utilities will not be expected to file separate reports for each criterion that is triggered by an outage; however, the written report should include all of the criteria that were triggered.

Item 8. Adopt new rule 199—20.19(476, 478) as follows:

199—20.19(476,478) Notification and reporting of outages

20.19(1) Notification. Each electric utility shall notify the board of any outage that results, or is expected to result, in the following:

- a. A loss of service for more than one hour to 2,000 or more customers or 50 percent or more of a utility's customers, whichever is less;
- b. Loss of service for more than one hour to substantially all of a community;
- c. A major event as defined in subrule 20.18(4); or
- d. Any other outage considered significant by the electric utility.

20.19(2) Information required. Notice shall be provided as soon as the utility learns of the outage, or as soon as practical thereafter by calling the board duty officer pager at 1-866-479-9461. The caller shall leave a call-back number for a person who can provide the following information:

- a. The nature or cause of the outage;
- b. The area affected;
- c. The number of customers that have experienced a loss of electric service as a result of the outage;
- d. The estimated time until service will be restored;
- e. The name of the utility and the name and telephone number of the person making the report and the name and telephone number of a contact person knowledgeable about the outage; and
- f. The electric utility shall provide updates to the board as new or additional information becomes available until all service is restored.

20.19(3) Outage report. Each electric utility shall submit a report to the board within 30 days after the customers affected by the outage reported under subrule 20.19(1) have regained service. The report shall include the following:

- a. A description of the circumstances that caused the outage;
- b. The total number of customers out of service during the outage;
- c. The longest customer interruption;
- d. The damage cost estimates to the electric utility's facilities; and
- e. The number of people used to restore service.

MidAmerican comments

MidAmerican estimates it would be required to submit more than 100 reports per year under the proposed reporting requirements. Under the existing rule,

MidAmerican indicated it had only submitted three reports so far in 2007.

MidAmerican states that from 2003-2006 the average time to restore service to an outage customer in urban service territory ranged from 75 to 89 minutes and 89 to 119 minutes in rural areas excluding major events. The 60-minute outage criterion is below these ranges and some of the difference is caused by the extra time it takes to restore service after normal working hours, according to MidAmerican.

MidAmerican has 40 individual distribution circuits that serve 2,000 or more customers and MidAmerican would be required under the proposed rules to report outages to those circuits that lasted more than 60 minutes. MidAmerican reviewed its outages and found that under the proposed criteria from 9/2006 to 8/2007 there would have been nine reports with major events excluded and 20 with major events included.

MidAmerican suggests that raising the outage duration trigger to 90 minutes would place the standard somewhere in the middle of the ranges. MidAmerican also suggests that raising the customer cut-off level to one percent of MidAmerican's customer base, or 3,600 customers, in any single metropolitan area would eliminate reporting on individual circuit outages. MidAmerican also proposes to maintain the current distinction in the current reporting requirements based on the utility's number of customers (above or below 50,000), recognizing that different criteria are needed to obtain the desired reporting.

MidAmerican proposes the following revisions to the proposed rule:

- ~~20.19(1) Notification.—Each electric utility shall notify the board of any outage that results, or is expected to result, in the following:~~
- ~~a. A loss of service for more than one hour to 2,000 or more customers or 50 percent or more of a utility's customers, whichever is less;~~
 - ~~b. Loss of service for more than one hour to substantially all of a community;~~
 - ~~c. A major event as defined in subrule 20.18(4); or~~
 - ~~d. Any other outage considered significant by the electric utility.~~
- (a) Each electric utility of less than 50,000 customers shall notify the board of any outage that results in or is expected to result in the following:
1. A loss of service for more than 90 minutes to 2,000 or more customers or 50 percent of a utility's customers whichever is less;
 2. Loss of service for more than 90 minutes to substantially all of a community;
 3. A major event as defined in subrule 20.18(4); or
 4. Any other outage considered significant by the electric utility.
- (b) Each electric utility of 50,000 customers or more shall notify the board of any outage that results in or is expected to result in the following:
1. A loss of service for more than 90 minutes to more than 1 percent or greater of a utility's customer base affecting customers in any one metropolitan area;
 2. Loss of service for more than 90 minutes to substantially all of a community;
 3. A major event as defined in subrule 20.18(4); or
 4. Any other outage considered significant by the electric utility.

MidAmerican also proposes revisions to subrule 20.19(2) to ensure the Board receives the earliest notification of any outage that may evolve into a larger event and thereby meet multiple reporting criteria as follows:

- 20.19(2) Information required. Notice shall be provided as soon as the utility learns of the outage, or as soon as practical thereafter, by calling the board duty officer pager at 1-866-479-9461. If more than one of the criteria are met under paragraphs 20.19(1)"a" or "b" notice shall only be provided under the criteria in paragraph "a" or "b" that is first met. The caller shall leave a call-back number for a person who can provide the following information:
- a. The nature or cause of the outage;
 - b. The area affected;

- c. The number of customers that have experienced a loss of electric service as a result of the outage;
- d. The estimated time until service will be restored;
- e. The name of the utility and the name and telephone number of the person making the report and the name and telephone number of a contact person knowledgeable about the outage; and
- f. The electric utility shall provide updates to the board as new or additional information becomes available until all service is restored.

MidAmerican states that some outages reportable under the proposed rule may meet multiple criteria and proposes the following addition to the proposed rule so that only one written report is made for outages that meet multiple criteria:

- 20.19(3) Outage report. Each electric utility shall submit a report to the board within 30 days after the customers affected by the outage reported under subrule 20.19(1) have regained service. If more than one of the criteria are met under paragraph 20.19(1)"a" or "b" a report shall only be provided under the paragraph "a" or "b" that involves the largest number of customers. The report shall include the following:
- a. A description of the circumstances that caused the outage;
 - b. The total number of customers out of service during the outage;
 - c. The longest customer interruption;
 - d. The damage cost estimates to the electric utility's facilities; and
 - e. The number of people used to restore service.

MidAmerican filed some additional information that shows an estimation of the number of reports that would be filed on an annual basis under the proposed amendments.

IPL comments

IPL offered comments on the proposed notification threshold for reporting outages in which all or substantially all of a community loses service for one hour or more. IPL offers the following suggestions:

20.19(1)"a" A loss of service for more than ~~one~~ five hours to 2000 or more customers or ~~50~~ 20 percent of an established zone ~~or more~~ of a utility's customers, whichever is less;

IPL suggests that the above revision is supported by IPL's statistics from 2005-2006 that show that there would have been 24 incidents that would have qualified as reportable under the proposed rule making. Of these 24 incidents, ten were not weather-related and two were not restored within the proposed time period.

IPL states that based upon at least 200 meters per community, statistics from 2005-2006 show that there would have been 249 separate incidents causing outages to 283 communities that would be reportable under the proposed rule making. Of these, 245 communities were restored within IPL's proposed five-hour time period.

IPL suggests the following revisions:

20.19(1)"b" Loss of service for more than ~~one~~ five hour hours to substantially all of a community or if an event has had a major impact on a community (tornado, flood, etc.) that would not meet the reporting thresholds;

IPL proposes the following new paragraph to subrule 20.19(2) to properly record the appropriate resolution of an outage:

20.19(2)"g" Notice shall be provided as soon as a reportable outage has been restored by calling the board duty officer pager at 1-866-479-9461. The caller shall leave a call-back number for a person who can provide the restoration information.

IPL suggests a revision to subrule 20.19(3) to prevent excessive reporting of outage incidents that are of lesser significance. IPL states that it is proposing this revision because a single circuit outage at some of its newer substations would

exceed the existing 10 percent criteria for a particular area and IPL does not believe the current rule contemplates this type of situation.

20.19(3) Outage report. Each electric utility shall submit a report to the board within 30 days after the customers affected by the outage reported under 20.19(1) have regained service for any reportable outage over 24 hours in duration. The report shall include the following:

IPL states that in light of the proposed new standards for reporting that the following amendment be adopted for the definition of "Major event" in 20.18(4):

20.18(4) "Major event" will be declared whenever extensive physical damage to transmission and distribution facilities has occurred within an electric utility's operating area due to unusually severe and abnormal weather or event and:

1. Wind speed exceeds 90 mph for the affected area, or
2. One-half of one inch ice is present and wind speed exceeds 40 mph for the affected area, or
3. ~~Ten~~ Twenty percent of the affected area total customer count is incurring a loss of service for a length of time to exceed five hours, or
4. 20,000 customers in a metropolitan area are incurring a loss of service for a length of time to exceed five hours.

IPL filed additional information concerning the outage figures it provided in its written comments. IPL indicated it had included planned outages in some of the outage figures. The 200 meter figure was used based upon the notification requirements in Wisconsin and IPL states that the 200 meter figure seemed a reasonable guide that would accommodate concerns for smaller communities.

IPL provided a definition of "community" as an incorporated municipality with at least 200 meters. IPL indicated that it is not wedded to this definition since it would not require reporting for some of the smaller communities and IPL is concerned that

local emergency management agencies in these small communities might not have the necessary infrastructure support to respond to outages.

IPL suggests that outages that can be restored within five hours should not require reporting to the Board. However, IPL recognizes that some of these outages may become "newsworthy" and would need to be reported as IPL has done under the current rules.

IAMU comments

IAMU supports defining a reportable outage as one with an expected duration of one hour or more. Inclusion of the one-hour threshold makes an important distinction between momentary interruptions and sustained or scheduled interruptions.

IAMU supports the proposed definition of a reportable outage as one affecting 2,000 or more customers or 50 percent or more of a utility's customers. Setting these standards for reporting will limit reports to significant events.

The changing transmission landscape introduces the possibility of more independent transmission owners and more independent power producers. IAMU supports the proposed definitions that more clearly define the types of entities to which reporting applies.

IAMU states that reporting requirements place an additional burden on utilities at the very time the utilities are doing everything they can to restore power. Time

spent calling in reports is time away from the restoration of power. The Board should consider the practical effect of any rules it adopts, according to IAMU.

AGP comments

AGP is a cooperative that owns and operates six soybean processing facilities located in Eagle Grove, Emmetsburg, Manning, Mason City, Sergeant Bluff, and Sheldon, Iowa. These facilities operate 24 hours per day, 7 days per week, and receive electric service from Manning Municipal Light and Power, MidAmerican, and IPL. AGP states that during the fiscal year ending September 2007 it experienced two dozen electrical service outages, spread throughout the production sites. AGP expressed an interest in the issue of reliability and power quality.

AGP states that under some circumstances a "blip" in service (a drop or spike in voltage) can result in loss of several hours' production. In some instances, a reporting requirement of one hour may have little or no relation to the economic damage caused by the service interruption. Only six of 25 outages in the last fiscal year would have been reportable under the proposed one hour standard. AGP suggests that if the standard had been 30 minutes, the rules would have picked up an additional two outages and this change would impose little or no additional burden on the utilities. Likewise, the 2,000 customer standard may not be indicative of the harm caused to a local community and to local economic development efforts by an outage. An example is where an outage only affects an industrial park, leaving the

surrounding residential areas unaffected. Under the proposed rule, this outage would not be reported, yet it may be significant to the local economy.

AGP proposes the following revisions:

20.19(1) Notification:

- a. A loss of service for more than one-half hour to 2000 or more customers or 50 percent or more of a utility's customers, whichever is less;
- b. No change
- c. Loss of service for more than one half hour to a business district comprised of 10 or more commercial and/or industrial customers;
- d. Proposed "c."
- e. Proposed "d."

20.19(3) Outage Report. Add new "f" as follows:

- f. An estimate of the number of commercial and industrial customers affected by the outage.

AGP states that the proposed revisions will better reflect the economic harm that electrical outages can impose on local economies and local economic development efforts. Requiring reporting of these outages will enable the Board to report to other governmental agencies, stakeholders, and the public the economic impact of electric outages.

IAEC comments

IAEC states that it does not object to the 2,000 customer or 50 percent standards for notification. IAEC contends that the Board is mistaken that these standards will only apply to the larger utilities. IAEC states that it has several small utility members that could be affected by the proposed requirements. IAEC questions whether the term "community" applies to incorporated municipalities, since the term is not defined. IAEC suggests the Board adopt a definition of "community"

and utilize a definition that would be easily applied. IAEC states that the Board needs to clarify whether the phrase "substantially all" is closer to 100 percent of a community or just greater than 50 percent.

IAEC suggests that there may be instances where an outage may occur initially that does not require reporting but is later discovered to have triggered the reporting requirement. IAEC suggests the Board recognize that in those instances the report will not be filed as soon as the utility learns of the outage but rather at the point the outage is identified as reportable.

IAEC points out that paragraph 20.19(2)"f" requires utilities to provide updates to the Board as new and additional information becomes available until the service is restored but does not specify how often the updates are required. IAEC suggests that these additional reports should be kept to a minimum since for the smaller utilities the person doing the reporting is likely the person working to restore the service.

IAEC states that paragraphs 20.19(2)"a" through "e" require information be reported that may not be known at the time the report is made. IAEC suggests the phrase "to the extent known" be added to the requirements.

Consumer Advocate comments

Consumer Advocate suggests that paragraph 20.19(2)"f" should match the format used in paragraphs "a" through "e" by deleting the words "the electric utility shall provide" which would leave paragraph "f" to read "Updates to the board as new

and additional information becomes available until all service is restored."

Alternatively, paragraph "f" could be changed to a subrule.

Board discussion

As indicated earlier in this order, the Board will not adopt additional amendments to rule 20.18 in this rule making. A review of rule 20.18 will be conducted after the Board has some experience with the new notification and reporting requirements adopted in this rule making.

The Board's primary focus in adopting the amendments to its notification requirements for outages of electric power is to ensure it has the information it needs regarding outages that can be provided to the public or other government agencies when necessary. Based upon the comments the Board has decided that the one-hour standard may be too short; however, the Board considers the suggested five-hour standard to be too long. The Board has decided that a reasonable alternative for reporting outages is two hours. The Board will establish a two-hour outage criterion in this rule making.

Moving from the proposed one-hour standard to a two-hour standard should reduce reporting of those outages where repair crew travel time is a significant factor in the length of the outage. At this time, the Board concludes that any outages lasting over two hours are significant enough to make notification appropriate. The Board will continue to review the notifications it receives pursuant to the two-hour

requirement and may at some later time propose a modification of the requirement based upon that review.

Based upon the comments, the Board has concluded that the standard for the number of customers affected by an outage needs to be revised. There appear to be times when one of the larger utilities may have more than 2,000 customers out of service throughout the utility's service territory but not in a single area or the result of any single cause that would be appropriate for notification under the proposed rule. The proposed amendments are not intended to require notification by a utility if there are a certain number of customers without service on a system-wide basis, but to require notification when a significant number of customers in a related area lose service because of an event. The Board will revise the standard to limit the affected area to a zone or other area as delineated by the utility. The Board is also adopting the 3,600 customer threshold proposed by MidAmerican since a loss of service for two hours to that large a group of customers in a metropolitan area should be considered a significant event.

In addition, based upon the comments received, it appears that the term "community" may be too ambiguous to give the utilities enough direction about when outages are required to be reported. The Board will revise the proposed notification requirements to draw a clearer line by using municipal boundaries as a guide for when notification is required and will include areas outside of particular municipal

boundaries where customers are served by the same utility that serves the municipality.

The Board intends that the term "substantially all" will require notification when significantly more than 50 percent, but not necessarily 100 percent, of the customers in a municipality and surrounding area served by the same utility lose service. This standard does not provide a bright line for reporting because the Board expects notification when there are a significant number of customers without service and the Board does not expect the utility to spend time calculating whether a specific number or percentage of customers are affected.

The Board understands AGP's comments and understands that there may be instances where outages to an industrial customer or business park may need to be reported. It is not clear that a specific standard, such as the one suggested by AGP, meets this requirement and it may provide too rigid a standard. The Board will rely upon utilities under paragraph 20.19(1)"d" to notify the Board if loss of service to an industrial customer or business park has a significant impact on a community or area.

The Board also concludes that significant outages at power generating stations and major transmission line outages are examples of other events the Board would want to be aware of. These types of outages have been reported to the Board by the utilities in the past. The Board will review how notification of these types of events is being made currently but will not try to address those procedures in this rule making.

Based upon the considerations discussed above, the Board will revise paragraphs 20.19(1)"a"- "c" to read as follows:

- a. Loss of service for more than two hours to substantially all of a municipality, including the surrounding area served by the same utility;
- b. Loss of service for more than two hours to 20 percent of the customers in a utility's established zone or area;
- c. Loss of service for more than two hours to more than 3,600 customers in a metropolitan area;

The Board understands that once notification is made concerning an outage based upon one reporting standard, then other reporting standards may later be triggered by the outage. The Board only requires that notification be made once concerning an outage and the updates should only be made as significant additional information is collected and not just because a second standard is triggered. Any subsequent written report is expected to address all of the triggered reporting requirements. Collection of information and later reports required in subrules 20.18(7) and (8) regarding reliability are still required.

III. Water Utilities

Item 9. Adopt new rule 199—21.9(476) as follows:

199—21.9(476) Incident reports. A regulated public water utility shall notify the board when it notifies the Iowa department of natural resources or the local county health department about an incident involving (1) an occurrence of waterborne emergency (e.g., treatment process malfunction, chemical/biological spill in the water supply, contamination event in the distribution system, emergency that has the potential for drinking water contamination); (2) a boil water advisory and contamination event; or (3) a low pressure event (less than 20 psi) affecting a widespread area of the system. Notification shall be made to the board by calling the board duty officer pager at 1-866-479-9461. The caller shall leave a call-back number for a person

knowledgeable about the incident. The utility shall report to the board when the incident has ended and normal water service has been restored.

Iowa-American comments

Iowa-American suggests that the language "affecting a widespread area of the system" in rule 21.9 is not defined so it is not clear when the water utility would be required to report. Iowa-American suggests that the rule is probably not necessary when a boil order or low-pressure event affects only a few customers. Iowa-American suggests a revision to the proposed rule so that notification is only required when 50 or more customers are affected by a boil water advisory or a low-pressure event.

Board discussion

The proposed amendment is designed for a water utility to notify the Board when it has an incident as described in the rule where the Iowa Department of Natural Resources (IDNR) requires notification. The language questioned by Iowa-American is a requirement from IDNR rules and when Iowa-American notifies IDNR under that language it will be required to notify the Board.

IV. Communications Providers

Item 10. Amend paragraph 199—22.2(6)"a" as follows:

- a. Each utility shall file with the board the name, title, address, and telephone number of the person who is authorized to receive, act upon, and respond to communications from the board in connection with the following:
 - (1) General management duties.
 - (2) Customer relations (complaints).
 - (3) Engineering operations.

(4) ~~Emergencies during nonoffice hours~~ Outages, including those occurring during nonoffice hours, pursuant to paragraph 22.2(8)"d."

Verizon comments

Verizon objected to the requirement that it identify an individual contact in advance of any outage since the FCC has no such requirement.

Board discussion

The Board does not consider the requirement to identify a contact number where a person can be reached who has knowledge about the communications provider's operations during nonoffice hours to be burdensome. The FCC requires that the communications provider provide similar information for the person who files and edits the Notifications, Initial, and Final Reports and who must provide similar information in order to log into the FCC Network Outage Report Web site. The Board will retain this requirement so it will be able to contact a communications provider concerning outages and other events, even if the event does not require notification of the FCC.

Item 11. Adopt new subrule 22.2(8) as follows:

22.2(8) Outage reporting requirements. All communications providers included in 47 CFR § 4.3(a), (c), (f), and (g) shall provide notification, outage reports, and current contact information as provided in this subrule.

a. Notification of reportable outage. All communications providers covered by this subrule shall notify the board of a reportable outage as defined in 47 CFR Part 4 by calling the board duty officer at 1-866-479-9461, as soon as reasonably possible after discovering the outage, but no later than immediately after submitting the required electronic notification to the Federal Communications Commission (FCC). Notification to the board shall include a contact name and contact telephone number by which the board may immediately contact the reporting communications provider.

b. Initial communications outage report. Immediately after submitting any initial communications outage report to the FCC (which is required to be submitted no later than 72 hours after discovering an outage), all communications providers subject to this subrule shall file with the board 11 copies of the report. If the communications provider asserts the report is entitled to confidential treatment, the filing procedures of 199—1.9(22) should be used.

c. Final communications outage report. Immediately after submitting any final communications outage report to the FCC (which is required to be submitted no later 30 days after discovering an outage), all communications providers covered by this subrule shall file with the board 11 copies of any final communications outage report submitted to the FCC. If the communications provider asserts the report is entitled to confidential treatment, the filing procedures in 199 IAC 1.9(22) should be used.

d. Contact information required. In its annual report, every communications provider subject to this subrule shall submit to the board a current list of contact name(s) and telephone number(s) to be used when a service outage occurs or any other time the board or its staff require immediate information, both during normal office hours and after normal office hours. The named individual(s) shall be knowledgeable about the technical aspects of service outage(s), their estimated duration, impact to customers, and their probable cause. Each communications provider shall update the board immediately whenever a change in the contact information occurs.

AT&T comments

AT&T acknowledged that the Board's use of relevant portions of the FCC's incident and outage reporting rules would provide the Board with necessary information while limiting the burden on carriers. AT&T stressed that consistency between reporting requirements is important. AT&T suggested that the Board revise its proposed rules so they are "virtually identical" to FCC rules.

The Board's proposed new subrule applies to all communications providers included in 47 CFR § 4.3(a) (cable providers); (c) (IXC or LEC facilities); (f) (wireless providers); and (g) (wireline providers). According to AT&T, because the Board does

not have jurisdiction to regulate rates or service quality of cable providers or wireless service providers, the Board cannot regulate service outage reporting for those providers. AT&T recommended revising the Board's proposed new subrule 22.2(8) to remove cable and wireless providers from the list of covered providers. AT&T's version of the subrule would include only interexchange carrier (IXC) or local exchange carrier (LEC) tandem facilities and wireline providers and apply only to incidents affecting Iowa facilities, as opposed to Iowa customers.

AT&T objected to the proposed telephone notice requirement. AT&T argued the telephone notice requirement lacks the advantages of electronic notice, including the ability to file rapidly, to immediately update information, to reduce expenses for carriers and the agency, to improve public service, and to create a database useful in averting future outages. AT&T recommended that the Board adopt an electronic filing process that would allow carriers to submit reports to the Board simultaneously with any reports relevant to Iowa when filing with the FCC.

On the issue of confidentiality, AT&T stated the notifications and reports required by the proposed subrule would include detailed information about the location and vulnerability of communications infrastructure and that this information should not be available to potentially hostile parties. AT&T suggested the public could be informed of general outage information with a broad description of the location or affected service and potential duration. Also, AT&T stated the reports would include competitively sensitive information. According to AT&T, adding

confidentiality markings and the process associated with requesting confidential treatment would prevent timely submission of information to the Board. AT&T recommended that the Board deem all notifications and reports confidential.

In additional information, AT&T stated that while all parts of the notification and reports provided to the FCC are confidential, the Board can inform the public "in generalities about any outage." AT&T explained it has one employee who serves as a contact for Iowa who has access to the team responsible for reporting an outage.

CTIA comments

CTIA, the international organization of the wireless communications industry, acknowledged the Board's concerns about tracking major communications outages. According to CTIA, while all parties share the goal of providing reliable emergency services to the public, efficiency compels a single solution already provided by the FCC reporting process.

CTIA stated that unique features of wireless communications make regulations more onerous for wireless carriers. According to CTIA, the service territories of wireless carriers cover more of Iowa than those of the largest wireline carriers, wireless service areas cross state boundaries, and Iowa customers can be served by facilities across state lines. CTIA stated the FCC has had primary oversight of wireless service because wireless traffic is largely interstate. CTIA also suggested that the Board has fully deregulated wireless service because wireless communications operate in a uniquely competitive market.

According to CTIA, the FCC's rules adopted in 2004 demonstrate the FCC's commitment to determining how to share outage information, who should maintain the information, and how to protect the information. CTIA's view is that outage information is best provided to a single agency, the FCC. The FCC shares the information with the Department of Homeland Security (DHS), which coordinates sharing information with the states. CTIA suggested that instead of duplicating the FCC's efforts, the Board should use the federal process and resources already in place and work with federal agencies to improve that process.

CTIA suggested that the Board's proposed rules are burdensome and counter-productive and would result in duplication and divert resources from service restoration efforts, requiring a network operations technician to try to determine which state reporting requirement applies instead of working to restore service. CTIA also argued that a central and single point of control over outage reports is necessary to ensure confidential treatment of the information.

CTIA stated that the wireless industry takes steps to minimize and respond to outages and that competitive market pressures motivate wireless carriers to invest in capital assets and offer high quality, reliable service. According to CTIA, the wireless industry has plans for disasters designed to allow wireless networks to enable first responders to address emergencies, to remain operational during disasters, and to keep customers connected to family members.

CTIA suggested that while it is unlikely that the Board has authority to require state level reporting by wireless carriers because the Board has deregulated both wireless rates and service, deregulation does not leave the Board without access to the information. CTIA stated that the FCC is receptive to requests to make the information it receives available to other governmental authorities and that DHS also supports providing the information to state commissions.

CTIA stated that if the Board does adopt its own rules, certain improvements should be made. CTIA is concerned about the requirement that a carrier make an immediate contact with the Board by telephone in the event of an outage. CTIA recommended that the Board allow electronic notice and a longer window for reporting. CTIA stated that most wireless carriers do not object to providing contact information to the Board to allow the Board to contact the carrier.

With respect to the requirement that a carrier file with the Board the Initial Outage Report filed with the FCC, CTIA acknowledged that the Board is only asking for information the carrier is already providing to the FCC but stated it is concerned about the lack of an electronic filing option. CTIA noted that its reports to the FCC are submitted using an electronic interface, not a paper copy. CTIA stated that making a paper copy for the Board requires creation of a new document, which could be voluminous, in a new format. CTIA also objected to the requirement of providing 11 copies. CTIA stated the bigger problem with the Initial Outage Report is the lack of blanket confidentiality and argues that to the extent the Board is requiring carriers

to provide the same information they provide on a confidential basis to the FCC, there is no reason for inconsistency. CTIA stated that if confidential treatment is not provided by rule, the process of preparing requests for confidential treatment would be burdensome.

CTIA stated that the definition of "reportable outage" in terms of any outage that must be reported to the FCC is ambiguous. The FCC defines a reportable outage as one affecting 900,000 user minutes. A storm that affects the Omaha-Council Bluffs area may affect 850,000 user minutes in Nebraska and only 50,000 in Iowa. CTIA acknowledged the storm would be reportable to the FCC, but does not believe it should be reportable to Iowa. CTIA suggested that for competitive neutrality, wireless carriers should have to report only if they meet the federal criteria within Iowa.

CTIA also urged the Board to clarify the proposed rules so they apply only to outages caused by a disruption to the wireless switch itself, not to derivative outages that result from other utility outages. CTIA also recommended that the Board grant blanket confidentiality to any required reports and modify the requirement of a telephone call. CTIA noted that the Board is designing an electronic filing system and urged the Board to suspend adopting the reporting requirements until it can receive electronic reports.

In the additional information CTIA filed, it encouraged the Board to step back from this rule making proceeding in light of concerns about the proposed reporting

process. CTIA stated that the person at its member companies responsible for reporting outages might be a person responsible for internal communications about the outage or might be a network operations employee involved with resolving the underlying problem causing the outage. CTIA stated that in either case having to respond to state requirements that are different from the FCC's process would detract from the effort to remedy the outage.

CTIA expressed concern that even if the Board were to accept electronic notification and reporting, there is still the problem of confidential treatment of the outage information. CTIA raised the issue of the Board potentially determining that information that had been granted confidentiality by the FCC was not confidential under the proposed rules. CTIA suggested the Board's determination would be preempted by the FCC determination.

CTIA suggested the Board does not have jurisdiction over wireless carriers, and that its members would respond to market forces to inform the public about significant outages. CTIA also noted that the Maine Public Utilities Commission recently revised its proposed outage reporting rules to exclude wireless carriers and urged the Board to reach the same conclusion.

ITA comments

ITA stated it generally supports the proposed changes to subrules 22.2(6) and 22.2(8). ITA agreed that the Board should be informed about significant service outages and interruptions of utility service in a timely and consistent manner. ITA

suggested that the requirement that providers file with the Board 11 paper copies of the electronically-filed FCC initial and final outage reports may not be practical in the event of a serious incident. ITA recommended that the Board consider allowing electronic filing of the service outage reports.

Iowa Telecom comments

Iowa Telecom expressed its concern with the interaction of the immediate filing requirements of proposed 199 IAC 22.2(8)"b" and the practical effects of the Board's confidential filing procedures. Iowa Telecom stated that providers in their haste to comply with the immediate reporting requirements may miss or not be able to follow the steps in making a confidential filing request. Iowa Telecom stated that at the time of an incident, locating a corporate officer with knowledge of the facts and finding a notary could prove burdensome, especially to smaller carriers. Iowa Telecom proposed that the Board revise the proposed rules to provide presumptive confidential treatment for these reports, similar to the presumptive confidential treatment given to responses to the Board's competition survey.

Iowa Telecom stated that the issue of confidentiality received significant discussion by the FCC when it formulated its network outage reporting rules. The FCC noted that outage reports could be used by competitors to wage marketing campaigns against other service providers or, in the case of a switch malfunction, against equipment providers. The FCC also noted that information as to network

outages could seriously undermine national defense and public safety goals if the reports were to fall into the hands of terrorists.

As an alternative to presumptive confidentiality for network outage reports, Iowa Telecom suggested the Board could allow pre-filed affidavits from corporate officers with a possible two- to three-year expiration date that would attest to the need for confidential treatment of network outage reports on a blanket basis.

Qwest comments

Qwest asserted that the outage report requirement should apply to all types of communication providers including, but not limited to, cable and wireless providers, who may challenge the Board's jurisdiction. In the event any challenges to the Board's jurisdiction succeed, Qwest suggested the Board should explore a way of getting copies of reports from these unregulated carriers. Qwest argued that all providers should compete on a level playing field.

Qwest also suggested that it would be more efficient to notify the Board by sending a copy of the FCC notification report electronically via e-mail, rather than by making a telephone call to the Board's duty officer. Qwest objected to the requirement that carriers provide the Board with paper copies of the 72-hour and 30-day reports filed with the FCC. Qwest suggested that these reports, too, be provided electronically, either by e-mail or other mechanism.

Qwest stated that the application of the Board's existing confidentiality process for outage reporting is unworkable. Qwest argued that the Board's confidentiality

procedures work against the timeliness essential to the outage reports and suggested that the Board develop an expedited process to handle these confidential reports such as a standing protective order that can be applied each time an outage report is filed.

Qwest stated that though it does not object to providing a point of contact regarding outage issues, it must be understood that the point of contact may not be immediately aware of the details of each and every service outage that may occur in Iowa at a given time. However, that contact person will be able to coordinate the gathering of information regarding the outage and obtain answers to the Board's questions as needed.

Qwest filed additional information based upon questions at the hearing. The additional information included portions of the FCC order stating that information in the notifications and reports of outages would be treated as confidential by the FCC. Qwest also provided a copy of the "Network Outage Reporting System User Manual" issued by the FCC on September 11, 2006. The manual contains the screens and explanation of the information required to complete the fields on each screen. Qwest also explained how it presently notifies the Board of outages.

Verizon comments

Verizon urged the Board not to adopt the rules as proposed for three reasons. First, Verizon stated that the FCC has established reporting requirements for service outages in conjunction with the Department of Homeland Security. Verizon's view is

that the Board did not go far enough to align its rules with those of the FCC. Verizon suggested the Board should participate more in the FCC reporting process instead of requiring carriers to comply with a different set of requirements. Verizon asserted the proposed rules go beyond the Board's authority and are overly burdensome and contrary to or duplicative of FCC rules.

Verizon noted that the Board's rules are different from the federal rules and asserted it would be impractical and a waste of resources to require carriers to comply with disparate state reporting requirements. Verizon argued the Board has not identified any deficiency in the federal requirements that would justify the Board having its own rules. According to Verizon, the Board's proposed rules are at odds with the FCC rules because they require notice to the Board by telephone call instead of electronic notice and will require 11 paper copies of the 72-hour and 30-day electronic reports sent to the FCC. Verizon argued that the telephone call to the Board could slow the process of restoring service after an outage.

Second, Verizon urged the Board to consider whether the proposed reporting requirements would deplete resources that could otherwise be used to restore service. Verizon noted that the FCC does not require an individual contact as would be required by the proposed amendment.

Third, Verizon stated the Board must consider the effects of what Verizon describes as a "dramatically expanded reporting regime" on customer safety and competition. Verizon faulted the proposed rules for failing to provide confidential

treatment of the information carriers would be required to report. Verizon stated that the FCC recognizes the need to protect the confidentiality of the information, which discloses sensitive information that could be used to attack network facilities.

Verizon argued federal law preempts state regulation where such regulation conflicts with federal law, is not necessary, or is not competitively neutral. According to Verizon, the Board's proposed rules are not consistent with FCC rules and are not necessary. Verizon suggested that the uniform federal approach to outage reporting is better and that the Board's concerns in this area are adequately addressed by what Verizon characterizes as a "robust FCC reporting process available to the Board."

Verizon recommended that the proposed rules should be rejected or revised by: 1) allowing carriers to submit all information electronically (perhaps to a designated Board e-mail address) instead of on paper; 2) providing confidential treatment for all information reported and precluding sharing that information with third parties; and 3) eliminating the requirement for carriers to identify an individual contact in advance of any outage.

In the additional information filed by Verizon, it explained that it uses a global network oversight system that collects information to determine whether FCC notification is required. Reporting requirements different from the FCC's would require some modification to this system that might involve substantial capital

expenses and could potentially interfere with those personnel who were attempting to restore service.

Verizon stated it would not object to the Board aggregating outage information received from all of the communications providers as long as the aggregated information would not reveal confidential information about network infrastructure of a specific company. Verizon argued that the specific company information must remain confidential because of confidentiality concerns and homeland security.

Consumer Advocate comments

Consumer Advocate stated that it is concerned that the threshold criteria for reporting outages in proposed subrule 22.2(8)"a," which is defined by the federal rules at 47 CFR 4.9, may be too high for Iowa outages given the numerous small communities in the state and the more than 150 small local exchange carriers which serve customers in Iowa. As an example, Consumer Advocate stated that a community of 500 telephone numbers could be completely without communications services for 30 hours before the reportable threshold was tripped. Consumer Advocate suggested the Board may want to consider whether a lower threshold for outages in Iowa would be more appropriate.

Identifying the tension between the FCC's rules, under which outage reports are presumed to be confidential, and the Board's rules, Consumer Advocate stated it is likely that carriers will seek confidential treatment of information filed with the Board. Consumer Advocate noted that it is difficult to obtain information about

outages from the FCC, even for state agencies. Consumer Advocate stated that it is unclear how confidentiality will work when the Board is seeking information quickly to be able to disseminate that information to other divisions of the executive branch, other branches of government, the press, and the public. Consumer Advocate suggested that information about communications outages that has been given confidential treatment is not especially useful during an emergency or at the time of an outage. Consumer Advocate concluded that detailed information about an event and its causes can be kept confidential in the initial and follow-up reports, but some information must be available for the public at the time of the incident or the Board will be in the same situation that prompted the development of the rules in the first place.

Finally, since the Board rules are meant to follow federal requirements, Consumer Advocate pointed out that 47 CFR § 4.5(b)-(d) require specific reporting of outages that affect "special offices and facilities," such as major military installations, key government facilities, nuclear power plants, and certain airports. Consumer Advocate suggested the Board may want to identify these facilities to the extent possible on a confidential basis so that communications carriers and the Board's duty officer would be immediately alerted to any communications outages affecting those specific facilities or areas.

Board discussion

The comments from communications providers objecting to or raising concerns about the proposed amendments to the outage notification requirements generally address consistency with FCC rules, Board jurisdiction, confidentiality, and requiring telephone notification rather than electronic notification. The Board has considered these comments and will adopt revisions to the proposed amendments that address many of these concerns. The adopted amendments will not place an undue burden on communications providers and will require notification of significant outages to the Board so it can provide information to other state agencies, local responders, and members of the public that are affected by the outages.

As pointed out by Consumer Advocate, section 253(b) of the Telecommunications Act of 1996 has reserved to states the authority to protect the public safety and welfare. In addition, rules related to notification of outages do not regulate entry or rates and therefore are permissible pursuant to 47 U.S.C. § 332(c)(3)(A).

The Board would also point out that deregulation of a type of service or a carrier does not remove all Board oversight of a communications provider. The Board retains jurisdiction over communications providers in Iowa to the extent necessary to protect the public safety and report on the availability of communications services. Deregulation of communications services found to be subject to effective competition relates to the rates and service provided by those

companies but does not remove the communications providers from all oversight under Iowa Code chapter 476. See Iowa Code § 476.1D, which separately addresses rate and service regulation and is addressed to deregulation as a result of competition, which has little or no effect on emergency response concerns.

The Board's experience with and understanding of the FCC procedures supports requiring that communications providers communicate directly with the Board rather than requiring the Board to rely on the FCC or some other federal agency for timely information about significant outages. The Board and state and local agencies are primarily concerned with responding to the immediate needs of those affected by outages, including those that are without communications services. To meet this responsibility, the Board needs immediate notification of a reportable outage. The FCC does not have procedures in place, nor are they expected to, that require immediate notification to a state agency when the FCC is notified of an outage. For local response to safety and welfare issues, the Board needs immediate information about significant outages and waiting on the federal agencies to relay this information to the Board would delay the response time during an emergency, when delay is least tolerable.

After a review of the comments, the Board has determined that it can revise the proposed rules to accommodate almost all of the concerns raised by the communications providers. The Board will revise the proposed amendments to remove the requirement for filing of multiple printed copies of the notification and

reports required by the FCC. The Board will revise the proposed rules to allow for communications providers to send notification of an outage that triggers FCC notification electronically and will allow providers to send copies of the notification and reports electronically.

The Board understands that if each state has separate and differing notification requirements, there might be some confusion for the communications provider trying to comply with each individual state mandate. To simplify the notification requirements for Iowa, the Board will revise the proposed amendments by allowing the option of sending notification and reports to be sent by electronic means or by telephone and paper copy. At the current time, the Board's duty officer can receive an electronic message but cannot receive documents. The primary barrier to having documents sent electronically to the duty officer is the lack of statewide coverage by communications providers. Once statewide coverage is available that will allow the duty officer to receive attached documents electronically, the Board will amend these rules accordingly.

Under current conditions, the Board will revise the proposed rules to provide communications providers the option to send an electronic message to the Board's duty officer pager when the carrier files an FCC notification, combined with sending an electronic copy of the FCC notification and reports to a Board e-mail address. Communications providers will also have the option of sending printed copies of the notification and only one copy will be required.

Communications providers need only send notification to the Board if Iowa customers make up a significant part of those customers affected by an outage that triggers FCC standards. The Board will not create a bright line standard for this requirement and would expect carriers to err on the side of over-reporting in these instances rather than not sending the notification. If a large number of Iowa customers are affected by an outage affecting more than one state that triggers FCC notification, it is in the public interest that the Board be notified.

The Board has reviewed the copies of the FCC notification and reports provided by Qwest and CTIA. The Board has also reviewed the FCC orders filed by Qwest that find the information in the notification and reports is confidential. The "Network Outage Reporting System User Manual" issued by the FCC on September 11, 2006, filed by Qwest, contains the screens and explanation of the information required to complete the fields on each screen.

The manual indicates that to use the outage reporting system a communications provider must first provide the name of the company, a contact person, a telephone number, an e-mail address, and an address. The outage notification screen requires the name of the company, the type of communications provider reporting the outage, date of the outage, the reason the outage is reportable, the number of users, by type, potentially affected by the outage, the number of blocked calls, the number of DS3s affected, the number of lost SS7 MTP

messages, the state(s) where the outage occurred, a description of the outage, a primary contact person, a telephone number, and an e-mail address.

The Initial Report screen requests the name of the company, date of the outage, time the outage began, reason reportable (from a list of reasons), the outage duration, and an explanation of expected outage duration. The Initial Report can then be turned into a Final Report by updating the information provided initially. The Final Report requires detailed information about the outage, the duration, and restoration of service.

Based upon a review of the FCC screens and the information the communications providers are required to report, the Board appreciates the FCC's concern for keeping much of the detailed information confidential. However, as stated earlier, the Board, as the primary interface between the communications providers and other government agencies and the public, must be able to provide others with some information about an outage so that other government agencies and the public can take whatever action is deemed necessary or appropriate to cope with the outage.

In balancing these competing interests, the Board understands that certain specific information provided by the communications providers cannot be disseminated to the public. To accommodate this understanding, the Board will hold all of the specific infrastructure information from the notification as confidential. The Board will provide general information about an outage, such as the general area

affected and the total number of customers that may be affected by the loss of communications service, to the appropriate state and local agencies. If follow-up information is required, the Board will aggregate the information from the FCC reports before it is disseminated. The Board will treat the specific information about an outage provided by the communications providers on the FCC notification and reports as confidential pursuant to the FCC ruling and will not release the specific information without the approval of the communications provider. If information provided by the communications provider is requested from the Board by a third party, the Board will notify the communications provider and follow the procedures in 199 IAC 1.9(8)"b"(3) and will not release the information without the communications provider's consent or an order from an appropriate authority (i.e., a court or the FCC).

Based upon the discussion above, the Board will revise the proposed amendment as follows:

22.2(8) Outage reporting requirements. All communications providers included in 47 CFR § 4.3(a), (c), (f), and (g) shall provide notification, outage reports, and current contact information as provided in this subrule.

a. Notification of reportable outage. All communications providers covered by this subrule shall notify the board of a reportable outage as defined in 47 CFR Part 4 by calling the board duty officer at 1-866-479-9461 or by sending an electronic message to the duty officer pager at 8664799461@pager.connectyou.com, as soon as reasonably possible after discovering the outage, but no later than immediately after submitting the required electronic notification to the Federal Communications Commission (FCC). Notification to the board shall include a contact name and contact telephone number by which the board may immediately contact the reporting communications provider. A copy of the FCC notification shall be sent to the board either by electronic mail to IUBDutyOfficer@iub.state.ia.us or one paper copy shall be filed with the board.

b. Initial communications outage report. Immediately after submitting any initial communications outage report to the FCC (which is required to be submitted no later than 72 hours after discovering an outage), all communications providers subject to this subrule shall send either an electronic copy of the outage report to IUBDutyOfficer@iub.state.ia.us or file one paper copy of the report with the board.

c. Final communications outage report. Immediately after submitting any final communications outage report to the FCC (which is required to be submitted no later than 30 days after discovering an outage), all communications providers covered by this subrule shall send an electronic copy of the final FCC report to IUBDutyOfficer@iub.state.ia.us, or file one paper copy of any final communications outage report with the board.

d. Contact information required. In its annual report, every communications provider subject to this subrule shall submit to the board a current list of contact name(s) and telephone number(s) to be used when a service outage occurs or any other time the board or its staff require immediate information, both during normal office hours and after normal office hours. The named individual(s) shall be knowledgeable about the technical aspects of service outage(s), their estimated duration, impact to customers, and their probable cause. Each communications provider shall update the board immediately whenever a change in the contact information occurs.

e. The information contained in the FCC notification and reports required to be filed pursuant to paragraphs 22.2(8)"a"-"c" shall be held as confidential pursuant to FCC order. The board may provide general information or aggregate information from these reports when necessary for the public safety and welfare.

Item 12. Amend rule 199—25.5(476,478) as follows:

~~199—25.5(476,478) Accident reports. An electric utility shall file with the board a written report on any accident to an employee or other person involving contact with its energized electrical supply facilities which results in a fatality, admission to a hospital, \$10,000 in damages to the property of the utility and others, or any other accident considered significant by the utility. Prompt telephone notice of any electrical contract accident which results in a fatality shall be given to the board's engineering section during normal working hours. Written reports shall be submitted as soon as is practical following the accident. This rule applies to all owners or operators of electrical facilities subject to the safety jurisdiction of the board under this chapter.~~

~~Written and telephone accident reports shall include the following information:~~

~~The name of the utility, the name of the person making the report, and their telephone number.~~

~~The time and location of the accident.~~

~~The number of fatalities, extent of personal injuries, and the extent of property damage.~~

~~A description of the events associated with the accident.~~

25.5(1) All owners and operators of electrical facilities subject to the safety jurisdiction of the board shall provide the board with a 24-hour contact number where the board can obtain immediate access to a person knowledgeable about any incidents involving contact with energized electric facilities.

25.5(2) All owners and operators of electrical facilities subject to the safety jurisdiction of the board shall notify the board of any incident or accident involving contact with energized electrical facilities that meets the following conditions:

a. An employee or other person coming in contact with its electrical supply facilities which results in death or personal injury necessitating in-patient hospitalization.

b. Estimated property damage of \$15,000 or more to the property of the utility and others.

c. Any other incident considered significant by the company.

25.5(3) The board shall be notified by telephone immediately, or as soon as practical thereafter, by calling the board duty officer pager at 1-866-479-9461. The caller shall leave a telephone number of a person who can provide the following information:

a. Name of the company and the name and telephone number of the person making the report and the name and telephone number of a contact person knowledgeable about the incident.

b. The location of the incident.

c. The time of the incident.

d. The number of deaths or personal injuries requiring hospitalization and the extent of those injuries.

e. Initial estimate of damages.

f. A summary of the significant information available regarding the probable cause of the incident and extent of damages.

g. Any oral or written report made to a federal agency, the agency receiving the report, and the name and telephone number of the person who made or prepared the report.

25.5(4) Written incident reports. Within 30 days of the date of the incident, the owner or operator shall file a written report with the board. The report shall include the information required for telephone notice in subrule 25.5(2), the probable cause as determined by the company, the number and cause of any deaths or personal injuries requiring in-patient hospitalization, and a detailed description of property damage and the amount of monetary damages. If significant additional information becomes available at a later date, a supplemental report shall be filed. Duplicate copies of any written reports filed or submitted to a federal agency concerning the incident shall also be provided to the board.

Consumer Advocate comments

Consumer Advocate states that proposed new subrule 25.5(1) changes the format used in comparable proposed new provisions in paragraphs 20.2(5)"k" and 19.2(5)"i." To match these other provisions, Consumer Advocate suggests that the words "current information" be substituted for the words "immediate access to a person knowledgeable." The revised provision would then read, "all owners and operators of electric facilities . . . shall provide . . . a 24-hour contact number where the board can obtain current information about any incidents"

Consumer Advocate states that proposed new subrule 25.5(2) references "any incident or accident" and Consumer Advocate suggests that the term "accident" is unnecessary. It is unclear what the word "accident" is intended to add to this provision.

Consumer Advocate suggests there may be a need for a new provision to make sure that all incidents "involving contact with energized electric facilities" are covered. An example is whether any rules specifically cover incidents such as a fire, explosion, or leak at a generating station, gas storage facility, or other utility

installation that do not involve a service interruption or contact with energized facilities. If there an incident as described in the example, perhaps at a nuclear plant, the Board would doubtless receive inquiries and would need the information to answer those inquiries. Presumably contacts provided by the utility would allow the Board to contact the proper person about any such incident, however, it could be considered as an addition to cover these occurrences.

IAEC comments

IAEC suggests that the Board is proposing to require utilities in subrule 25.5(3) to make a telephone report immediately following an incident and leave a number of a person who can answer questions about the incident. Here again the information may not be known at the time of the call. IAEC suggests the phrase "to the extent the same is available" be added to these requirements.

Board discussion

The Board believes it is appropriate to have different language in subrule 25.5(1) than in paragraphs 19.2(5)"i" or 20.2(5)"k." Notification under the two paragraphs will involve instances where the Board may be seeking information on an event still in progress; i.e., gas is still blowing, customers still without service, and so on. An electric contact accident under subrule 25.5(1) is, in contrast, over almost instantly. In such cases, the Board will most likely be seeking information on what happened, not what is happening. The difference in the language in the proposed amendments reflects this difference. In addition, the Board will retain the word

"accident" since it reinforces the intent of this subrule, even though it may not be essential.

Consumer Advocate suggests the Board adopt rules requiring reports concerning other types of events. Since 199 IAC chapter 25 establishes the Iowa Electrical Safety Code, it is not the proper place for the other reporting requirements. As indicated earlier in this order, reports concerning other types of significant events have been received by the Board and will not be addressed in this rule making. In the past, utilities have been quick to inform the Board of major problems at generating stations or other facilities even when not specifically required by rule. Those notification procedures will be reviewed and, if necessary, another rule making will be commenced to address notification of those events.

Regarding the IAEC comment, the Board recognizes that all information requested by the rule may not be available at the time of the initial notification of an incident or accident. In such cases, the Board expects that a subsequent telephone call will be made by the utility to provide the remaining information. The proposed rule is a restatement of existing notice requirements and IAEC's concern has not been a problem. The Board has determined that the additional language suggested by IAEC is not necessary.

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. A rule making identified as Docket No. RMU-07-6 is adopted.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin an "Adopted and Filed" notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 27th day of December, 2007.

UTILITIES DIVISION [199]

Adopted and Filed

Pursuant to the authority of Iowa Code chapters 476, 478, and 479, and section 17A.4, the Utilities Board (Board) gives notice that on December 27, 2007, the Board issued an order in Docket No. RMU-07-6, In re: Incident and Outage Reporting Requirements for Natural Gas, Electric, and Water Utilities, Communications Providers, and Owners and Operators of Electric Facilities [199 IAC chapters 19, 20, 21, 22 and 25], "Order Adopting Amendments," that adopts amendments to the Board rules for incident and outage notification and reporting by natural gas utilities, electric utilities, rate regulated water utilities, communications providers, and owners and operators of energized electric facilities.

The adopted rules will prescribe when and what type of notice the Board is to receive so the Board can fulfill its statutory responsibilities to help keep the public and other government agencies informed about significant events that involve interruption of utility service that affect the safety and welfare of Iowa citizens. The amendments are designed to establish procedures for immediate verbal or electronic notification to the Board so the Board can help promote a timely response to the loss of utility service by alerting the appropriate authorities, agencies, and other government officials, when necessary.

Notice of Intended Action with the proposed amendments was published in IAB Vol. XXX, No. 7 (9/26/07) p. 576, as ARC 6267B. Comments were filed by Interstate Power

and Light Company (IPL); the Iowa Association of Municipal Utilities (IAMU); the Consumer Advocate Division of the Department of Justice (Consumer Advocate); MidAmerican Energy Company (MidAmerican); the Iowa Association of Electric Cooperatives (IAEC); AG Processing Inc (AGP); Iowa-American Water Company (Iowa-American); the Iowa Telecommunications Association (ITA); CTIA-The Wireless Association® (CTIA); AT&T Communications of the Midwest, Inc., TCG Omaha, Inc., and SBC Long Distance, LLC, d/b/a AT&T Long Distance (collectively AT&T); Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom); MCImetro Access Transmission Services LLC, d/b/a Verizon Access Transmission Services, and MCI Communications Services, Inc., d/b/a Verizon Business Services (collectively Verizon); and Qwest Corporation (Qwest).

On October 30, 2007, the oral presentation was held as scheduled. Qwest, IPL, MidAmerican, CTIA, and Verizon filed additional information in response to questions from the Board at the hearing. The order containing the background and discussion of the comments and revisions adopted by the Board can be found on the Board's Web site, www.state.ia.us/iub.

These amendments are intended to implement Iowa Code chapters 476, 478, 479, and section 17A.4.

The amendments will become effective on March 5, 2008.

Item 1. Amend subrule **19.1(3)** as follows:

19.1(3) "Interruption of service" means any disturbance of the gas supply whereby gas service to ~~50 customers or more in one segment or in a portion of a distribution system~~ a customer cannot be maintained.

Item 2. Rescind paragraph **19.2(5)"b."**

Item 3. Amend paragraph **19.2(5)"i"** as follows:

i. List of persons authorized to receive board inquiries. Each utility shall file with the board in the annual report required by 199—23.1(2) a list of names, titles, addresses, and telephone numbers of persons authorized to receive, act upon, and respond to communications from the board in connection with: (1) general management duties; (2) customer relations (complaints); (3) engineering operations; (4) meter tests and repairs; (5) emergencies during nonoffice hours; ~~(6) pipeline permits (gas).~~ Each utility shall file with the board a telephone contact number or numbers where the board can obtain current information 24 hours a day about incidents and interruptions of service from a knowledgeable person. ~~Such~~ The contact information required by this paragraph shall be kept current as changes or corrections are made.

Item 4. Amend paragraph **19.7(7)"a"** as follows:

a. Each utility shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be reestablished within the shortest time practicable, consistent with safety. Each utility shall maintain records for not less than two years of interruptions of service as ~~defined in 19.1(3)~~ required to be reported in 19.17(1) and shall periodically review these records to determine steps to be taken to prevent recurrence.

b. No change.

Item 5. Adopt **new** rule 199—19.17(476) as follows:

199—19.17(476) Incident notification and reports.

19.17(1) A utility shall notify the board immediately, or as soon as practical, of any incident involving the release of gas, failure of equipment, or interruption of facility operations, which results in any of the following:

- a. A death or personal injury necessitating in-patient hospitalization.
- b. Estimated property damage of \$15,000 or more to the property of the utility and to others, including the cost of gas lost.
- c. Emergency shutdown of a liquefied natural gas (LNG) facility.
- d. An interruption of service to 50 or more customers.
- e. Any other incident considered significant by the utility.

19.17(2) The board shall be notified by telephone, as soon as practical, of any reportable incident by calling the board duty officer pager at 1-866-479-9461. The caller shall leave a call-back number for a person who can provide the following information:

- a. The name of utility and the name and telephone number of the person making the report, and the name and telephone number of a contact person knowledgeable about the incident.
- b. The location of the incident.
- c. The time of the incident.
- d. The number of deaths or personal injuries and the extent of those injuries, if any.
- e. All initial estimate of damages.
- f. Number of services interrupted.
- g. A summary of the significant information available to the utility regarding the probable cause of the incident and extent of damages.

h. Any oral or written report required by the U.S. Department of Transportation, and the name of the person who made the oral report or prepared the written report.

19.17(3) Written incident reports. Within 30 days of the date of the incident, the utility shall file a written report with the board. The report shall include the information required for telephone notice in subrule 19.17(2), the probable cause as determined by the utility, the number and cause of any deaths or personal injuries requiring in-patient hospitalization, and a detailed description of property damage and the amount of monetary damages. If significant additional information becomes available at a later date, a supplemental report shall be filed. Copies of any written reports concerning an incident or safety-related condition filed or submitted to the U.S. Department of Transportation or the National Transportation Safety Board shall also be provided to the board.

Item 6. Amend paragraph **20.2(5)"k"** as follows:

k. List of persons authorized to receive board inquiries. Each utility shall file with the board in the annual report required in 199—23.1(2) a list of names, titles, addresses, and telephone numbers of persons authorized to receive, act upon, and respond to communications from the board in connection with: (1) general management duties; (2) customer relations (complaints); (3) engineering operations; (4) meter tests and repairs; (5) ~~emergencies during nonoffice hours;~~ (6) franchises for electric lines; ~~(7)~~ (6) certificates for electric generating plants. Each utility shall file with the board a telephone contact number where the board can obtain current information 24 hours a day about outages and interruptions of service from a knowledgeable

~~person. Such~~ The contact information required by this paragraph shall be kept current as changes or corrections are made.

Item 7. Amend subrule 20.18(6) as follows:

20.18(6) ~~Notification requirements and other reporting~~ Notification and reporting of major events as defined in subrule 20.18(4) shall comply with the requirements of rule 20.19(476,478).

~~a. Notification. Each electric utility with over 50,000 Iowa retail customers shall notify the board of major event as defined in subrule 20.18(4) and of any other widespread outage considered significant by the electric utility. The notice shall be provided as soon as practical once the occurrence of a major event becomes known to the electric utility. Notice shall be made by telephone to the board's customer services section, by electronic mail to the board's general E-mail address, or by facsimile. The notice shall include, to the electric utility's best knowledge at the time:~~

~~(1) The nature or cause of the major event;~~

~~(2) The area affected by the major event;~~

~~(3) The number of customers that have experienced a sustained interruption of service; and~~

~~(4) The estimated time until service is restored.~~

~~The electric utility shall provide periodic updates to the board as new or improved information becomes available until all service is restored. The electric utility shall periodically report to the general public (via broadcasts or other media and by updating telephone answering machines) its best estimate as to when the service will be restored.~~

~~b. Major event report. Each electric utility with over 50,000 Iowa retail customers shall submit a report to the board within 20 business days after the end of a major event. The report shall include the following:~~

~~(1) A description of the event;~~

~~(2) The total number of customers out of service over the course of the major event at six-hour intervals, identified by operating area or circuit area;~~

~~(3) The longest customer interruption;~~

~~(4) The damage cost estimates to the electric utility's facilities;~~

~~(5) The date and time when storm center opened and closed;~~

~~(6) The number of people used to restore service;~~

~~(7) The name and telephone number of a utility employee who may be contacted about the outage.—~~

Item 8. Adopt **new** rule 199—20.19(476, 478) as follows:

199—20.19(476,478) Notification and reporting of outages.

20.19(1) Notification. Each electric utility shall notify the board of any outage that results, or is expected to result, in the following:

a. Loss of service for more than two hours to substantially all of a municipality, including the surrounding area served by the same utility:

b. Loss of service for more than two hours to 20 percent of the customers in a utility's established zone or area,

c. Loss of service for more than two hours to more than 3,600 customers in a metropolitan area;

d. A major event as defined in subrule 20.18(4); or

e. Any other outage considered significant by the electric utility.

20.19(2) The notice shall be provided as soon as the utility learns of the outage, or as soon as practical thereafter, by calling the board duty officer pager at 1-866-479-9461. The caller shall leave a call back number for a person who can provide the following information:

a. The nature or cause of the outage;

b. The area affected;

c. The number of customers that have experienced a loss of electric service as a result of the outage;

d. The estimated time until service will be restored;

e. The name of the utility and the name and telephone number of the person making the report and the name and telephone number of a contact person knowledgeable about the outage; and

f. The electric utility shall provide updates to the board as new or additional information becomes available until all service is restored.

20.19(3) Outage report. Each electric utility shall submit a report to the board within 30 days after the customers affected by the outage reported under subrule 20.19(1) have regained service. The report shall include the following:

a. A description of the circumstances that caused the outage;

b. The total number of customers out of service during the outage;

c. The longest customer interruption;

d. The damage cost estimates to the electric utility's facilities; and

e. The number of people used to restore service.

Item 9. Adopt **new** rule 199—21.9(476) as follows:

199—21.9(476) Incident reports. A regulated public water utility shall notify the board when it notifies the Iowa department of natural resources or the local county health department about an incident involving (1) an occurrence of waterborne emergency (e.g., treatment process malfunction, chemical/biological spill in the water supply, contamination event in the distribution system, emergency that has the potential for drinking water contamination); (2) a boil water advisory and contamination event; or (3) a low pressure event (less than 20 psi) affecting a widespread area of the system. Notification shall be made to the board by calling the board duty officer pager at 1-866-479-9461. The caller shall leave a call back number for a person knowledgeable about the incident. The utility shall report to the board when the incident has ended and normal water service has been restored.

Item 10. Amend paragraph **22.2(6)"a"** as follows:

a. Each utility shall file with the board the name, title, address, and telephone number of the person who is authorized to receive, act upon, and respond to communications from the board in connection with the following:

(1) General management duties.

(2) Customer relations (complaints).

(3) Engineering operations.

(4) ~~Emergencies during nonoffice hours~~ Outages, including those occurring during non-office hours, per paragraph 22.2(8)"d."

b. No change.

Item 11. Adopt **new** subrule **22.2(8)** as follows:

22.2(8) Outage reporting requirements. All communications providers included in 47 CFR § 4.3 (a), (c), (f), and (g) shall provide notification, outage reports, and current contact information as provided in this subrule.

a. Notification of reportable outage. All communications providers covered by this subrule shall notify the board of a reportable outage as defined in 47 CFR Part 4 by calling the board duty officer pager at 1-866-479-9461 or by sending an electronic message to the duty officer pager at 8664799461@pager.connectyou.com, as soon as reasonably possible after discovering the outage, but no later than immediately after submitting the required electronic notification to the Federal Communications Commission (FCC). Notification to the board shall include a contact name and contact telephone number by which the board may immediately contact the reporting communications provider. A copy of the FCC notification shall be sent by either electronic mail to IUBDutyOfficer@iub.state.ia.us or one paper copy filed with the board.

b. Initial communications outage report. Immediately after submitting any initial communications outage report to the FCC (which is required to be submitted no later than 72 hours after discovering an outage), all communications providers subject to this subrule shall send either an electronic copy of the outage report to IUBDutyOfficer@iub.state.ia.us or file one paper copy of the report with the board.

c. Final communications outage report. Immediately after submitting any final communications outage report to the FCC (which is required to be submitted no later 30 days after discovering an outage), all communications providers covered by this subrule shall send an electronic copy of the final FCC report to IUBDutyOfficer@iub.state.ia.us or file one paper copy of any final communications outage report with the board.

d. Contact information required. In its annual report, every communications provider subject to this subrule shall submit to the board a current list of contact name(s) and telephone number(s) to be used when a service outage occurs or any other time the board or its staff require immediate information, both during normal office hours and after normal office hours. The named individual(s) shall be knowledgeable about the technical aspects of service outage(s), their estimated duration, impact to customers, and their probable cause. Each communications provider shall update the board immediately whenever a change in the contact information occurs.

e. The information contained in the FCC notification and reports required to be filed pursuant to paragraphs 22.2(8)"a"-c" shall be held as confidential pursuant to FCC order. The Board may provide general information or aggregate information from these reports when necessary for the public safety and welfare.

Item 12. Amend rule 199—25.5(476,478) as follows:

199—25.5(476,478) Accident reports. ~~An electric utility shall file with the board a written report on any accident to an employee or other person involving contact with its energized electrical supply facilities which results in a fatality, admission to a hospital, \$10,000 in damages to the property of the utility and others, or any other accident considered significant by the utility. Prompt telephone notice of any electrical contract accident which results in a fatality shall be given to the board's engineering section during normal working hours. Written reports shall be submitted as soon as is practical following the accident. This rule applies to all owners or operators of electrical facilities subject to the safety jurisdiction of the board under this chapter.~~

~~Written and telephone accident reports shall include the following information:~~

~~The name of the utility, the name of the person making the report, and their telephone number.~~

~~The time and location of the accident.~~

~~The number of fatalities, extent of personal injuries, and the extent of property damage.~~

~~A description of the events associated with the accident.~~

25.5(1) All owners and operators of electrical facilities subject to the safety jurisdiction of the board shall provide the board with a 24-hour contact number where the board can obtain immediate access to a person knowledgeable about any incidents involving contact with energized electric facilities.

25.5(2) All owners and operators of electrical facilities subject to the safety jurisdiction of the board shall notify the board of any incident or accident involving contact with energized electrical facilities that meets the following conditions:

a. An employee or other person coming in contact with its electrical supply facilities which results in death or personal injury necessitating in-patient hospitalization.

b. Estimated property damage of \$15,000 or more to the property of the utility and others.

c. Any other incident considered significant by the company.

25.5(3) The board shall be notified by telephone immediately, or as soon as practical thereafter, by calling the board duty officer pager at 1-866-479-9461.

The caller shall leave a telephone number of a person who can provide the following information:

- a. Name of the company and the name and telephone number of the person making the report and the name and telephone number of a contact person knowledgeable about the incident.
- b. The location of the incident.
- c. The time of the incident.
- d. The number of deaths or personal injuries requiring hospitalization and the extent of those injuries.
- e. Initial estimate of damages.
- f. A summary of the significant information available regarding the probable cause of the incident and extent of damages.
- g. Any oral or written report made to a federal agency, the agency receiving the report, and the name and telephone number of the person who made or prepared the report.

25.5(4) Written incident reports. Within 30 days of the date of the incident, the owner or operator shall file a written report with the board. The report shall include the information required for telephone notice in subrule 25.5(2), the probable cause as determined by the company, the number and cause of any deaths or personal injuries requiring in-patient hospitalization, and a detailed description of property damage and the amount of monetary damages. If significant additional information becomes available at a later date, a supplemental report shall be filed. Duplicate copies of any

written reports filed or submitted to a federal agency concerning the incident shall also
be provided to the board.

December 27, 2007

/s/ John R. Norris
John R. Norris
Chairman