

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL
WORKING FILE**

RUL-4-03-03

FROM: BEVERLY BARKER

DATE: AUGUST 14, 2003

**RE: PROPOSED REVISIONS TO THE UTILITY CUSTOMER RELATIONS
RULES (IDAPA 31.21.01)**

Staff recommends that the Commission amend its Utility Customer Relations Rules. What follows is a brief description of the substantive revisions proposed by Staff. A number of other editorial changes are also proposed. Attached for your review is a marked-up version of the rules showing all of the proposed changes. (Attachment A) Also attached are alternative proposals submitted by Avista and Idaho Power with respect to two rules.

If the Commission wishes to initiate a rulemaking this year, the proposed revisions must be submitted to the Administrative Rules Coordinator by August 20, 2003. The rules will be published in the Administrative Bulletin. After publication, public comment will be accepted. The Staff will then submit an analysis of the comments and make a final recommendation to the Commission.

Rule 005 – Definitions

Subsection .01 – Applicant

- Removes reference to 60 day interval between service. This change provides a more transparent definition of “applicant”, which will simplify interpretation of other rules.
- Includes statement similar to what is now in Telephone Customer Relations Rules with respect to minors who apply for service.

Subsection .02 – Customer

- Removes reference to 60 day interval between service for customers who move and adds language to address customers whose service has been terminated recently. This change provides a more transparent definition of “customer”, which will simplify interpretation of other rules.

Subsection .03 – Good Credit

- Eliminates rule. In addition to elimination of this rule, Staff is proposing that two additional rules that use the term “good credit” either be eliminated (Rule 205) or revised to specify what is meant by good credit within the context of the particular rule (Rule 107). The proposed revision of Rule 107 and elimination of Rule 205 makes it unnecessary to retain this definition.

Rule 104 –Explanation for Requirement of Deposit

- Deletes references to denial of service, which is covered under Rule 301.
- Revises rule to allow the explanation to an applicant of the need for a deposit to be either oral or in writing. In the majority of instances, utilities are requesting deposits from applicants or recently-terminated customers, and most communication takes place via telephone. In such cases, an oral notice is more timely and appropriate than a written notice.
- Adds a provision regarding dispute resolution.

Rule 107 – Return of Deposit

Subsection .02 – Existing Customers

- Eliminates reference to “good credit” and clearly states the conditions under which a deposit will be returned.
- Changes conditions under which residential customer deposits will be retained. Currently, deposits are returned if, in the past 12 months, the customer pays all undisputed bills before the utility’s dispatch of personnel to the customer’s premises in order to leave a final notice or terminate service. As proposed, deposits are returned if the residential customer pays before the utility provides a final notice of termination. This change would encourage customers to develop better payment habits and allow utilities to retain deposits for customers who have already been identified as credit risks (thus collection of a deposit in the first place) and have more than one bill that became seriously past due. Deposit provisions for business customers remain unchanged.

- Avista proposes that the conditions for retention of residential customer deposits be changed to match the current criteria for business customer deposits: no more than one late payment in 12 months. In other words, the conditions would be uniform for both residential and business customers. (See Attachment B)

Rule 109 Receipt for Deposit – Records of Deposit

Subsection .02 – Retention of Records

- Adds a provision covering deposits that have been refunded by the utility. The time frame specified (3 years) is derived from the NARUC's "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities".
- Updates record retention period for unclaimed deposits.

Rule 205 – Customers with Good Credit

- Eliminates rule. Utilities are not required to rely solely upon the statement referenced in this rule as evidence of good credit. Previous changes to Rules 101 and 102 allow for reliance on additional credit screening tools, further diluting the usefulness of this rule. Elimination of this rule will not prevent utilities from continuing the practice of providing information regarding a customer's actual payment history to that customer upon request.

Rule 206 – Responsibility for Payment of Bills — Residential Customers

- Revises rule to clarify intent of the rule and cover the various instances under which a written notice to customers is required before unpaid amounts can be added to current bills.
- Eliminates subsection .05 because the situation addressed is now covered in subsection .03.

Rule 301 - Explanation for Denial of Service to Applicant

- Revises rule to allow, in most cases, the explanation of intent to deny service to be either oral or in writing. In the majority of instances, applicants order service via telephone, and service is currently off. In such cases, an oral notice is more timely and appropriate than a written notice. Written notice of denial of service is required if the premises is actually receiving service, as would be the case if a former customer moves out and someone else moves in before the utility can terminate service at that location. Rule 312 further addresses this type of situation.

Rule 302 – Grounds for Denial or Termination of Service with Prior Notice

Subsection .01 – Failure to Pay

- Adds reference to electronic payment drawn on an account with insufficient funds.

Subsection .07 – Service to Minors

- The subsection regarding “Failure to Apply” is eliminated because the situation is now addressed in Rule 312. Taking its place is a new provision regarding service to minors. This provision is similar to one contained in the Telephone Customer Relations Rules.

Subsection .08 – Previous Account Balance Owing

- Revises subsection to be consistent with Rules 301, 306 and 312 with respect to customers with unpaid bills. The revision will also make the intent more clear by eliminating a clause referring to situations where the customer moves into a residence that does not have service.

Rule 304 - Requirements for Notice Before Termination of Service

Subsection .01 – Initial Notice

- Changes title to “Initial Notice” to clearly distinguish the first notice from subsequent notices. Since many companies provide more than 7 calendar days between issuance of the initial notice and the date of termination, the term “7 day notice” is misleading.

Subsection .02 – Final Notice

- Changes title to “Final Notice” to be consistent with newly-revised Rule 101.
- A new provision allows utilities to mail a final notice, as is current practice for most energy utilities.
- This subsection permits utilities to mail final notices but continues to require an attempt to contact the customer by telephone or in person. Idaho Power proposes that the company be allowed to choose which methods of notification to use. (See Attachment C)

Subsection .04 – Failure to Pay

- Eliminates reference to tendering payment with a dishonored check during a collection visit, since that is covered under 304.04.b.
- Adds reference to electronic payment made on an account with insufficient funds.

Rule 308 – Serious Illness or Medical Emergency

- Makes revisions to clarify and streamline the rule.
- Eliminates subsection 308.04 that requires customer to make payment arrangements prior to expiration of the certificate. Payment arrangements are covered under Rule 313, and need not be reiterated here.
- Eliminates requirement that medical certificates include information on the nature of the serious illness or medical emergency. The patient privacy provisions of the Health Insurance Portability and Accountability Act of 1996 have caused some health professionals to refuse to divulge the information required by this subsection. Moreover, a health professional's statement that a serious illness or medical emergency exists and that utility service is necessary to prevent harm is sufficient to grant a 30 day payment extension.
- Adds a new subsection stating that the customer who obtains a medical certificate remains obligated to pay undisputed bills.

Rule 312 – Denial or Termination of Service to Master-Metered Accounts and Residents or Occupants Who Are Not Customers

- Revised to address situations where resident or occupant is receiving service temporarily after a customer requests termination of service. This typically happens when someone moves into the premises before the utility can terminate service.
- A shorter minimum notification time frame is proposed for several reasons: (1) to more quickly resolve these sorts of issues; (2) to minimize the conflict between customers who expect a request for termination to be promptly honored and residents or occupants who expect to be given a reasonable interval in which to sign up for service, and (3) to minimize economic loss to a utility if the resident or occupant fails to apply for service or does not qualify to receive service without payment of a deposit or taking some other action to obtain service under his or her own name.
- Adds a provision regarding dispute resolution.

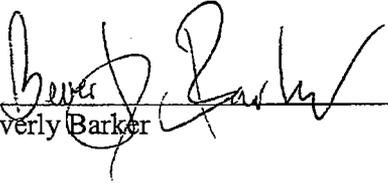
Rule 603 - Requirements For and Contents of Notice Before Termination of Service

- Makes changes to mirror proposed changes to Rule 304.

COMMISSION DECISION

1. Does the Commission wish to issue proposed rules as recommended by Staff?
2. Does the Commission wish to accept Avista's proposed revision to Rule 107.02 in place of that proposed by Staff?

3. Does the Commission wish to accept Idaho Power's proposed revision to Rule 304.02 in place of that proposed by Staff?


Beverly Barker

udmemos/rules august 2003

IDAPA 31
TITLE 21
CHAPTER 01

**31.21.01 - CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC AND WATER
PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES
COMMISSION (THE UTILITY CUSTOMER RELATIONS RULES)**

005. DEFINITIONS (Rule 5).

The following definitions are used in this title and chapter: (7-1-93)

01. Applicant. Unless restricted by definition within a rule or group of rules to a particular class of service, "applicant" means any potential customer who applies for service from a utility and either has no previous service from that utility or has not had service with that utility within the most recent sixty (60) days. Utilities may require an adult or minor competent to contract to join a minor not competent to contract as an applicant. (7-1-93)()

02. Customer. Unless restricted by definition within a rule or group of rules to a particular class of customer, "customer" means any person who: (7-1-93)

a. Has applied for; (7-1-93)

b. Has been accepted by the utility; and (7-1-93)()

c. Is ~~currently~~: (7-1-93)()

i. Receiving service from a utility; or (7-1-93)()

ii. Has received service within the past ten (10) calendar days prior to termination by the utility; or ()

iii. Has Assumed responsibility for payment of service provided to another or others. If the person receiving service is not the same person as the person assuming responsibility for payment of service, the latter is the customer for purposes of obtaining or terminating service, ~~cancelling service~~, receiving refunds, ~~etc~~ or making changes to the account. Additionally, a person who ~~moves within a utility's service territory and requests that service be terminated at the customer's previous location and that service be initiated at a new location within sixty (60) days is considered an existing customer and not an applicant.~~ (7-1-93)()

03. Good Credit. ~~"Good credit" means payment by a customer for the most recent twelve (12) consecutive month period of all undisputed bills due the utility before the utility's~~

~~dispatch of personnel to the customer's premises as allowed by the rules to leave a twenty four (24) hour notice or to terminate service.~~ (7-1-93)

043. Utility. Unless restricted by definition within a rule or group of rules, "utility" means any public utility providing gas, electric or water service subject by law to the Commission's jurisdiction, whether previously certified or not. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

104. ~~WRITTEN EXPLANATION FOR DENIAL OF SERVICE OR REQUIREMENT OF DEPOSIT (Rule 104).~~

If the utility ~~denies service or~~ requires a cash deposit as a condition of providing service, then it ~~must~~ shall immediately provide an ~~written~~ explanation to the applicant or customer stating the precise reasons why it ~~denies service or~~ requires a deposit is required. The applicant or customer ~~must~~ shall be given an opportunity to rebut those reasons. In the event of a dispute, the applicant or customer shall be advised that an informal or formal complaint may be filed with the Commission. (3-30-01)()

(BREAK IN CONTINUITY OF SECTIONS)

107. RETURN OF DEPOSIT (Rule 107).

01. Former Customers. Upon termination of service, the deposit, with accrued interest, shall be credited to the final bill. The balance of the deposit remaining, if any, shall be returned promptly to the customer. (7-1-93)

02. Existing Customers. The deposit, with accrued interest, ~~must~~ shall either be credited to the customer's current account or be refunded promptly by the utility ~~when if:~~

(3-30-01)()

a. The residential customer has paid all undisputed bills within the past twelve (12) consecutive months before the utility provides a final notice of termination establishes and maintains good credit; or (7-1-93)()

b. The small commercial customer ~~maintains good credit and is not delinquent more than once in~~ has no more than one (1) late payment during the previous past twelve (12) consecutive months. (7-1-93)()

03. Retention During Dispute. The utility may retain the deposit pending the resolution of a dispute over termination of service. If the deposit is later returned to the customer, the utility shall pay interest at the annual rates established in Rule 106 for the entire period over which the deposit was held. (7-1-93)

04. Early Return Of Deposit. A utility may refund a deposit plus accrued interest in whole or in part at any time before the time prescribed in this rule. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

109. RECEIPT FOR DEPOSIT -- RECORDS OF DEPOSIT (Rule 109).

01. Receipts. Each customer paying a deposit or the initial installment on a deposit ~~must~~ shall then be given a receipt containing or otherwise be provided with the following information:

(7-1-93)(____)

- a. Name of customer and service address for which deposit is held; (7-1-93)
- b. Date of payment(s); (7-1-93)
- c. Amount of payment(s); and (7-1-93)
- d. Statement of the terms and conditions governing the return of deposits. An ordinary receipt may be given for subsequent deposit installments. (7-1-93)

02. Retention Of Records. Each utility shall maintain records that will enable a customer entitled to a return of a deposit to obtain a refund even though the customer may be unable to produce the original receipt(s) for the deposit. The utility shall maintain a detailed record of all deposits received from customers, showing the name of each customer, the location of the premises occupied by the customer when the deposit is made and each successive location occupied by the customer while the deposit is retained, and the date(s) and amount(s) of the deposits or installments. The utility shall retain records of deposits that have been refunded to customers for a period of three (3) years after the date of refund. The utility shall retain ~~these~~ records of unclaimed deposits for a period of seven (7) years as required by ~~the Unclaimed Property Act, Sections 14-501 et seq., Idaho Code, and in particular Section 14-531, Idaho Code~~ (ten years). (7-1-93)(____)

03. Transfer Of Records. Upon the sale or transfer of any utility or any of its operating units, the seller shall certify to the Commission that it has a list showing the names of all

customers whose service is transferred and who have a deposit on file, the date the deposit was made, and the amount of the deposit. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

205. ~~(RESERVED). CUSTOMERS WITH GOOD CREDIT—FINAL BILLS (Rule 205)~~

~~When a customer with good credit voluntarily terminates service with the utility, the final bill shall contain or be accompanied by a statement that the customer had good credit with the utility. When an applicant for service presents such a statement to a utility, whether from a utility regulated by this Commission or otherwise, the statement constitutes evidence of good credit in the application for utility service. However, presentation of such a statement will not require the utility to consider the applicant to have good credit solely on the basis of that statement. (7-1-93)~~

**206. ~~TRANSFER OF RESPONSIBILITY FOR PAYMENT OF BILLS --~~
~~RESIDENTIAL CUSTOMERS (Rule 206).~~**

01. Customer Defined. For purposes of this rule, "customer" means a customer whose name appears on the utility's regular bill for residential service or who signed a written application for service or other document informing the customer that he or she was assuming an obligation for payment for service. (7-1-93)

02. Customer's Responsibility. A customer shall not be held responsible for payment of an amount owed by any person who resides at the customer's premises or is a member of the customer's household, but whose name does not appear on the current bill or application for service, unless: (7-1-93)

a. The customer signs a written agreement to pay or otherwise expressly accepts responsibility for payment of the other person's bill; or (7-1-93)()

b. The customer has a legal obligation to pay the other person's bill. (7-1-93)

03. ~~Customer Notice Of Transfer Of Bill To Another Customer.~~ No The utility shall transfer any amount owed by a customer or former customer to another customer's account without provide written notice of its intent to add to the customer's bill for current service an amount owed for: ()

a. Another person's bill; ()

b. Service rendered at a former service location, provided that the lapse in service exceeds sixty (60) calendar days; or ()

c. Service rendered at the current service location for which the utility failed to bill or failed to bill in a timely manner. ()

04. Contents of Notice. The notice must include the following information concerning the bill amount the utility is proposing to transfer: (7-1-93)()

a. The name of the customer of record who owes the bill amount; (7-1-93)

b. The service location involved; (7-1-93)

c. The time over which the ~~transferred~~ bill amount was accumulated; (7-1-93)()

d. The amount owed; (7-1-93)

e. The reason(s) for ~~transferring~~ adding the bill amount to the customer's ~~account~~ bill statement; (7-1-93)()

f. A statement that payment arrangements may be made on the amount owed; (7-1-93)

g. A statement that the customer has the right to contest the ~~transfer~~ utility's proposed action with the utility or the Commission; and (7-1-93)()

h. The response deadline after which the bill amount will be ~~transferred~~ added to the customer's bill statement. (7-1-93)()

045. Opportunity to Responded. The customer shall be given a minimum of seven (7) calendar days from the date of the proposed action to respond to the utility's notice. (7-1-93)()

~~05. Transfer Of Bills For Customers Who Move.~~ The utility shall not be required to notify a customer of its intent to transfer an amount owed if that customer remains the customer named on the bill and moves to another location within the utility's service territory, provided that the lapse in service does not exceed sixty (60) days for electric and water utilities, or one (1) heating season for gas utilities. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

301. REQUIREMENTS EXPLANATION FOR ~~AND~~ CONTENTS OF NOTICE OF DENIAL OF SERVICE TO APPLICANT (Rule 301).

01. Explanation to Applicant. If the utility intends to deny service to an applicant, the utility ~~must give~~ shall provide an explanation to the applicant written notice of stating the reasons for the utility's refusal to serve. The notice shall state: (7-1-93)

~~Reasons.~~ The reasons for denial of service; (7-1-93)

~~02. Actions Of Applicant.~~ ~~Actions t~~The applicant may take shall be advised of what action(s) must be taken to receive service; and. (7-1-93)

~~03. Complaint May Be Filed.~~ In the event of a dispute, the applicant shall be advised that an informal or formal complaint concerning denial of service may be filed with the Commission. (7-1-93)()

02. Written Notice. If service is currently being provided to the premises occupied by an applicant, the utility shall provide written notice of its refusal to serve pursuant to Rule 312. ()

302. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITH PRIOR NOTICE (Rule 302).

A utility may deny or terminate service to a customer or applicant without the customer's or applicant's permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (7-1-93)

01. Failure To Pay. With respect to undisputed past due bills ~~the customer or applicant; did not pay undisputed delinquent bills or~~ (7-1-93)()

a. Failed to pay; ()

b. paid a delinquent bill with any with a dishonored check not honored by the bank;
or ()

c. Made an electronic payment drawn on an account with insufficient funds. ()

02. Failure To Make Security Deposit. The customer or applicant failed to make a security deposit or make an installment payment on a deposit where it is required. (3-30-01)

03. Failure To Abide By Terms Of Payment Arrangement. The customer or applicant failed to abide by the terms of a payment arrangement. (3-30-01)

04. Identity Misrepresentation. The customer or applicant misrepresented the customer's or applicant's identity for the purpose of obtaining utility service. (7-1-93)

05. Denial Of Access To Meter. The customer or applicant denied or willfully prevented the utility's access to the meter. (7-1-93)

06. Willful Waste Of Service. The utility determines as prescribed by relevant State or other applicable standards that the customer is willfully wasting service through improper equipment or otherwise. (7-1-93)

~~07. Misuse Of Service.~~ ~~The customer or applicant is using service for which the customer or applicant did not apply.~~ **Service to Minors.** The applicant or customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code.
(7-1-93)()

08. Previous Account Balance Owing. Nothing in this rule requires the utility to connect service for a customer or applicant who owes money on an existing account or from a previous account ~~when that customer moves to a new residence that does not have service.~~
(7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

304. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF SERVICE (Rule 304).

01. Seven-Day Initial Notice. If the utility intends to terminate service under Rule 302, the utility shall send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. This written notice ~~must~~ shall contain the information required by Rule 305. (3-30-01)()

02. ~~Twenty-Four Hour~~ Final Notice. The utility may mail a final written notice to customer at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination. Regardless of whether the utility elects to mail a written notice, ~~At~~ at least twenty-four (24) hours before ~~actual~~ the proposed date of termination, the utility ~~must~~ shall diligently attempt to contact the customer affected, either in person or by telephone, to advise the customer of the proposed action and steps to take to avoid or delay termination. This ~~oral~~ final notice ~~must~~ shall contain the same information required by Rule 305. (3-30-01)()

03. Additional Notice. If service is not terminated within twenty-one (21) calendar days after the proposed termination date as specified in a written notice the utility ~~must~~ shall again provide notice under Subsections 304.01 and 304.02 if it still intends to terminate service.

(3-30-01)(____)

04. Failure to Pay—~~Payment With Dishonored Check.~~ No additional notice of termination is required if, upon receipt of a termination notice, the customer: (3-30-01)(____)

a. ~~The customer m~~Makes a payment arrangement and subsequently fails to keep that arrangement; ~~or~~ (3-30-01)(____)

b. ~~The customer tenders~~ payment with a dishonored check; or (3-30-01)(____)

c. ~~The customer, at a utility's collection visit to terminate service, tenders payment with a dishonored check~~ Makes an electronic payment drawn on an account with insufficient funds.

(3-30-01)(____)

(BREAK IN CONTINUITY OF SECTIONS)

308. SERIOUS ILLNESS OR MEDICAL EMERGENCY (Rule 308).

01. Medical Certificate -- Postponement Of Termination Of Service. A utility shall postpone termination of utility service to a residential customer for thirty (30) calendar days from the date of the receipt of a written certificate signed by a licensed physician or public health official with medical training ~~that states:~~ The certificate must contain the following information:

(7-1-93)(____)

a. A statement that ~~¶~~the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered is seriously ill or has a medical emergency or will become seriously ill or have a medical emergency because of termination of service, and that

(7-1-93)

b. ~~¶~~Termination of utility service would adversely affect the health of that customer, member of the customer's family, or resident of the household.

(7-1-93)(____)

02. ~~Contents Of Medical Certificate.~~ ~~This certificate must be in writing and show clearly~~

b. ~~¶~~The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer, and (____)

c. ~~the nature of the serious illness or medical emergency, and~~ The name, title, and signature of the person giving notice of or certifying the serious illness or medical emergency.

(7-1-93)()

032. Restoration Of Service. If service has already been terminated when the medical certificate is received, service shall be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer ~~must~~ shall receive service for thirty (30) calendar days from the utility's receipt of the certificate.

(7-1-93)()

~~**04. Payment Arrangements.** Before the expiration of the medical postponement, the customer must make payment arrangements with the utility in accordance with Rule 313.~~

(7-1-93)

053. Second Postponement. The utility may postpone termination of service upon receipt of a second certificate stating that the serious illness or medical emergency still exists. (7-1-93)

064. Verification Of Medical Certificate. The utility may verify the authenticity of the certificate and may refuse to delay termination of service if it is determined that the certificate is a forgery or is otherwise fraudulent. (7-1-93)

05. Obligation to Pay. Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. ()

(BREAK IN CONTINUITY OF SECTIONS)

312. DENIAL OR TERMINATION OF SERVICE TO MASTER-METERED ACCOUNTS AND RESIDENTS OR OCCUPANTS WHO ARE NOT CUSTOMERS (Rule 312).

01. Notice To Occupants Or Residents Not Customers. Except as provided in Rules 303.01 and 303.02, no utility shall deny or terminate service without providing written notice to the residents or occupants of: (7-1-93)()

a. A building or mobile home court where service is master-metered; ~~or~~ (7-1-93)()

b. A residence where the customer billed for service is not a resident or occupant of the premises being served; or (7-1-93)()

c. Premises where service is being provided on an interim basis to a resident or occupant following a customer's request to terminate service. ()

02. ~~Seven-Day Delivery and Contents of Notice To Occupants Or Residents.~~ The utility must notify the residents or occupants of its intent to deny or terminate service at least seven two (72) calendar days, excluding weekends and holidays, before the proposed date of termination. The notice should be delivered to the premises or, in the case of multi-occupant buildings or mobile home parks, posted in common areas or a conspicuous location. The notice shall state: (7-1-93)(_____)

- a. The date of the notice; (7-1-93)
- b. The proposed denial or termination date; (7-1-93)(_____)
- c. ~~The amount due for the most recent billing period~~ reason for denial or termination;
and (7-1-93)(_____)
- d. ~~That~~ What action(s) the resident(s) or occupant(s) ~~can negotiate directly with the utility to purchase future service at that location must take in order to obtain or retain service in the resident's(s') or occupant's(s') own name(s); and~~ (7-1-93)(_____)
- e. That an informal or formal complaint concerning denial or termination of service may be filed with this Commission. (_____)

(BREAK IN CONTINUITY OF SECTIONS)

603. REQUIREMENTS FOR AND CONTENTS OF NOTICE BEFORE TERMINATION OF SERVICE (Rule 603).

01. ~~Seven-Day Initial Notice.~~ If the utility intends to terminate service under Rule ~~6-1 601,~~ the utility shall send to the customer written notice of termination mailed at least seven (7) calendar days prior to the proposed date of termination. (7-1-93)(_____)

- 02. ~~Contents Of A Notice.~~** The written notice of termination shall state: (7-1-93)(_____)
- a. The reason(s), citing these rules, why service will be terminated, and the proposed date of termination; (7-1-93)(_____)
 - b. Actions the customer may take to avoid termination; (7-1-93)
 - c. That an informal or formal complaint concerning the termination may be filed with this Commission; and (7-1-93)
 - d. That service will not be terminated prior to the resolution of such a filed complaint (if the resolution is in favor of the utility, the Commission shall set the date of termination). (7-1-93)

03. ~~Twenty-Four Hour~~ Final Notice. The utility may mail a final written notice to customers at least three calendar days, excluding weekends and holidays, before the proposed date of termination. Regardless of whether the utility elects to mail a written notice, At least twenty-four (24) hours prior to actual termination, the utility shall diligently attempt to contact the customer affected, either in person or by telephone, to apprise the customer of the proposed action. This oral final notice shall contain the same information required above for written notice. Each utility shall maintain clear, written records of these oral notices, showing dates and the utility employee giving the notices.

(7-1-93)()

~~in Rule 107.2 the proposed language would allow a customer to be past due every month for a year and receive a 7-day notice every month of the year and not allow the company to continue to protect themselves from a potential credit risk. Avista disagrees with the proposed revision that indicates the company will return a deposit if the customer has not received a Final Notice, and proposes to include the verbiage that is highlighted in yellow.~~

107. RETURN OF DEPOSIT (Rule 107).

01. Former Customers. Upon termination of service, the deposit, with accrued interest, shall be credited to the final bill. The balance of the deposit remaining, if any, shall be returned promptly to the customer. (7-1-93)

02. Existing Customers. The deposit, with accrued interest, must either be credited to the customer's current account or be refunded promptly by the utility ~~when: if the customer has paid all undisputed bills within the past twelve (12) consecutive months before the utility provides a final notice of termination and the customer had no more than one late payment during the previous twelve months.~~ if the customer has paid all undisputed bills within the past twelve (12) consecutive months before the utility provides a final notice of termination and the customer had no more than one late payment during the previous twelve months. In addition, (3-30-01)

a. ~~The residential customer establishes and maintains good credit; or~~ (7-1-93)

b. ~~The small commercial customer maintains good credit and is not delinquent more than once in~~ must have no more than one (1) late payment during the previous twelve (12) months. (7-1-93)()

09. Previous Account Balance Owing. Nothing in this rule requires the utility to connect service for a customer who owes money on an existing account or from a previous account ~~when that customer moves to a new residence that does not have service.~~

(7-1-93)()

Idaho Power Comment

Subsection 7, "Failure to Apply", is recommended to be removed from this Rule. Rule 312.01 notice requirements address the identical condition in the proposed subsection "c", "Premises where service is being provided temporarily to a resident or occupant following a customer's request to terminate service."

Subsection 9, "Previous Account Balance Owing", the Company proposes to add "or applicant" after the word "customer".

IPUC Staff Proposed Language

304. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF SERVICE (Rule 304).

01. Seven-Day Initial Notice. If the utility intends to terminate service under Rule 302, the utility shall send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. This written notice must contain the information required by Rule 305.(3-30-01)()

02. Twenty-Four Hour Final Notice. The utility may mail a final written notice to customer at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination. At least twenty-four (24) hours before actual termination, the utility must diligently attempt to contact the customer affected, either in person or by telephone, to advise the customer of the proposed action and steps to take to avoid or delay termination. This oral final notice must contain the same information required by Rule 305.(3-30-01)()

Idaho Power Comment

The Company proposes the following language for subsection 2, "Final Notice".

At least twenty-four (24) hours before actual termination, the utility must diligently attempt to contact the customer affected, either in person, by telephone, or mail a final written notice to customer at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination to advise the customer of the proposed action and steps to take to avoid or delay termination. This final notice must contain the same information required by Rule 305.

IPUC Staff Proposed Language

308. SERIOUS ILLNESS OR MEDICAL EMERGENCY (Rule 308).

Attachment C
Decision Memorandum
08/14/03