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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE AMENDMENTS TO)
THE COMMISSION'S UTILITY CUSTOMER) RULES DOCKET
RELATIONS RULES FOR GAS, ELECTRIC) NO. 31-2101-0301
AND WATER PUBLIC UTILITIES (IDAPA)
31.21.01.000 *et seq.*))
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COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, Donald L. Howell II, Deputy Attorney General, and in response to the Notice of Rulemaking-Proposed Rule, Docket No. 31-2101-0301, published in the Administrative Bulletin on October 1, 2003, submits the following comments.

COMMENTS

Staff supports the proposed changes to the Commission's Customers Relations Rules for Gas, Electric and Water Public Utilities Regulated by the Idaho Public Utilities Commission (The Utility Customer Relations Rules). Many of the proposed changes are made to simplify or clarify rules. Making rules easier to understand aids both utility employees and Commission Staff who must interpret and apply the rules on a day-to-day basis. Utility customers also benefit

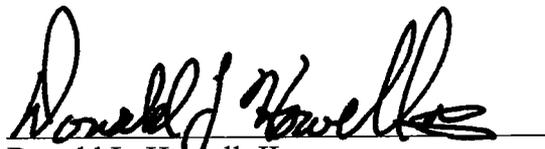
from more consistent, and thus fairer, application of the rules. Rule provisions that are obsolete due to changes in law or other Commission rules are either eliminated or revised.

The Staff does wish to respond to one concern raised by the Legislative Services Office relating to Rule 308. Rule 308 (attached) provides that a utility must postpone termination of services to a residential customer with a medical emergency. Under the rule, the postponement would occur on “the date of the receipt of a written certificate signed by a licensed physician or public health official...” (Legislative format). Legislative Services observed that requiring a “signature” may be burdensome or “a bit bureaucratic” given that the rules otherwise allow electronic payments.

Rule 308 has always required the certificate from doctors or other health officials to be in writing and that it be signed. See 308.01c proposed and deleted 308.02. The Idaho Public Records Act defines a “writing” to include handwriting, typewriting, printing, photostating, photographing, and every means of recording. *Idaho Code* § 39-337[14]. Nothing in either the current or proposed rule would prohibit electronic transmission of a medical certificate. Staff notes that electronic certificates and signatures are legally valid. *Idaho Code* § 28-50-107. Obligations of doctors and public health officials under the rule remain unchanged. Customers will continue to be able to hand-deliver, mail, fax or e-mail medical certificates to utilities.

The proposed rules delineate more clearly the responsibilities of both utilities and their customers. The recommended changes eliminate a number of gray areas that were either not directly addressed by current rules or were the subject of differing interpretations by Staff and utilities. Staff recommends that the Commission adopt the proposed rules as pending rules.

RESPECTFULLY submitted this **22** day of October 2003.


Donald L. Howell, II
Deputy Attorney General

Technical Staff: Beverly Barker

DH:BAB:umisc/comments/31-2101-0303.DHbab

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~~akes 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 ~~T~~he 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. ~~T~~ermination 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. ~~t~~he 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 t~~he 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 (2) 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