

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER HANSEN  
COMMISSION SECRETARY  
COMMISSION STAFF**

**FROM: DON HOWELL**

**DATE: OCTOBER 24, 2003**

**RE: PROPOSED REVISIONS TO THE UTILITY CUSTOMER RELATIONS  
RULES, IDAPA DOCKET NO. 31-2101-0301 (IPUC CASE NO. RUL-U-03-3)**

On October 1, 2003, the Commission caused to be published in the Administrative Bulletin a Notice that it proposed to amend its Utility Customer Relations Rules, IDAPA 31.21.01.000 *et seq.* The Commission proposed several changes to its rules (attached). First, several changes address minors who apply for service, situations where a resident or occupant is receiving service temporarily after a customer requests termination of service, and electronic payments drawn on accounts with insufficient funds. Second, the Commission proposes to revise Rules 104 and 301 to provide written or oral notice when the utility requires a deposit or intends to deny service. Third, the Commission proposes to delete the requirements that utilities provide customers a letter of good credit after discontinuing service (Rule 205) and that specific information about the nature of an illness or medical emergency be included in a doctor's certificate (Rule 308). Fourth, the Commission proposes to clarify Rule 107 that discusses when deposits must be returned to existing customers. Finally, the Commission proposes to amend several rules to improve readability and clarity, eliminate ambiguities, correct citations and cross-references, and make other housekeeping changes.

The Commission's Notice invited interested persons to submit written comments no later than October 22, 2003. The Commission received two public comments (from Idaho Power and PacifiCorp) and comments from the Staff responding to an issue raised by Legislative Services. Legislative Services stated that no "meeting will be held, and we are pleased to report that no objections will be filed" to the proposed rulemaking. Arranged for your review below are the proposed rules and the comments relating to the rules.

## THE COMMENTS

Idaho Power supported adoption of all the proposed rules with two exceptions noted below.

### ***Rule 308—Serious Illness or Medical Emergency***

The proposed changes to 308 clarify and streamline the rule. Subsection .04 was eliminated because payment arrangements are already covered under Rule 313. The Commission also deleted text that required the medical certificate to disclose 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 this patient medical information. Moreover, Staff suggested that it is sufficient for health professional to simply state that there was a serious illness or medical emergency that would justify postponing service termination.

#### **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~~ 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)

~~the~~ 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~~ 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. (\_\_\_\_\_)

Staff did respond to one concern raised by the Legislative Service Office related to this rule. This rule provides that a utility must postpone termination of services to a residential customer with a medical emergency. As set out above, 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 Customer Relations Rules otherwise allow electronic payments.

Staff commented that Rule 308 has always required that a certificate from doctors or other health officials be in writing and that it be signed. Nothing in the current or proposed changes to Rule 308 would prohibit electronic transmissions of a medical certificate. Staff notes

that electronic certificates and signatures are legally valid pursuant to *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.

***Rule 312—Denial or Termination of Service to Master-Metered Accounts and Residences or occupants who are not customers.***

Rule 312 addresses the denial or termination of service to either master meter accounts or residents/occupants who are not customers. In subsection .02 of the rule, the Commission proposed to reduce the notification window for termination from seven days to two days. This reduction was to expedite the resolution of termination issues; to minimize the economic loss to a utility where the resident or occupant fails to apply for service (or does not qualify for service); and to minimize the conflict between departing customers requesting termination and new residents or new occupants desiring to obtain new service. The proposed rule is set out below.

**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. ( )

Although PacifiCorp appreciates the reduction in time from seven days to two days in subsection .02, the Company suggested the Commission eliminate subsection .01.c in its entirety. The Company stated that it does not support the practice of giving notice to residents/occupants who have not applied for service and been accepted as a customer. The Company explained that its practice is to leave service on between departing customers and new customers to control cost and to minimize delay in providing new service.

Staff would note that the requirement of providing notice to residents occupying a premise being served has not changed from the existing Rule. Staff believes that occupants should receive notice of service termination so that they may avoid the harsh results of suddenly finding themselves without service.

***Rules 304.02 and 603.03—Notice Requirements for Termination of Service***

Rules 304.02 and 603.03 generally establish the procedures for providing notice before terminating service. Rule 304 pertains to residential and small business customers, while Rule 603 pertains to large commercial, industrial and irrigation customers. In both these rules, the Commission proposed to clarify the notice procedures that utilities must use in terminating service to a customer. The proposed rules are set out below.

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

**01. ~~Seven-Day~~ Initial Notice.** If the utility intends to terminate service to a customer 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 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)(\_\_\_\_)

**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)~~(\_\_\_\_\_)

Idaho Power has renewed its suggestions to modify the final notice requirement in subsection .02 of Rule 304 and subsection .03 of Rule 603. In both these rules, the Commission indicates that a utility may mail a final notice of termination to customers at least three days before the proposed termination. The intent was that receipt of written notice will prompt the

customer to contact the company to avoid termination. The existing rules also provide that at least 24 hours before actual termination that the utility shall diligently attempt to contact the customer either in person or by telephone.

Idaho Power suggests that mailing of the final notice—without an attempt to contact the customer in person or by telephone—should be sufficient to terminate service. The Company states that not every customer has a telephone and that customers sometimes avoid calls from Idaho Power. As the Company recognizes, allowing the final notice to be served by mail would allow the final mailing to be used as the “exclusive means of advising customers of the potential termination of electric service to their premises.” After the phrase “either in person or by telephone” the Company suggests adding the following language: “or by the customer’s receipt of a final written notice. . . .”

Staff suggests that adoption of Idaho Power’s comments would be a significant departure from the current rule that require a “diligent” attempt to contact the affected customer either in person or by telephone. In addition, the language proposed by the Company is predicated upon the “customer’s receipt of a final written notice.” The existing rule merely requires that a diligent attempt to contact the customer either in person or by telephone. The Staff perceive problems in trying to determine whether a customer actually received the written notice.

#### COMMISSION DECISION

Does the Commission wish to make any changes to its rule? If so what are those changes?

Does the Commission wish to adopt its proposed rules as pending rules?

Does the Commission wish to issue a Notice of Pending Rule to be published in the Administrative Bulletin on January 7, 2004?



Don Howell

Vld/N:31-2101-0301\_DecMemo\_dh

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 31-2101-0301**

**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.~~ Hhas applied for;

(7-1-93)

~~b.~~ Hhas been accepted; by the utility, and

(7-1-93)

~~c.~~ fis ~~currently~~:

(7-1-93)( )

~~ia.~~ Receiving service from a utility; or

(7-1-93)

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

( )

~~ic.~~ 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.** If the customer has paid all undisputed bills and has no more than one (1) late payment during the past twelve (12) consecutive months of service, the utility shall promptly return the deposit; (with accrued interest;) must by either be credited to crediting the customer's current account or be issuing a refunded promptly by the utility when. (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 the previous twelve (12) 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. ~~CUSTOMERS WITH GOOD CREDIT -- FINAL BILLS (Rule 205) (RESERVED).~~

~~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: (7-1-93)( )

a. ~~Another person's bill; or~~ ( )

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

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 Respond.** 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 under Rule 302, 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)

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

**02. Actions Of Applicant.** ~~Actions~~ 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 ( )

a. Failed to pay; ( )

b. ~~paid a delinquent bill with any~~ with a dishonored check ~~not honored by the bank;~~ or (7-1-93)( )

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 Owning.** 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 TO CUSTOMERS BEFORE TERMINATION OF SERVICE (Rule 304).**

01. **Seven-Day Initial Notice.** If the utility intends to terminate service to a customer 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 the 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 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~~akes a payment arrangement and subsequently fails to keep that arrangement; ~~or~~ (3-30-01)( )
- b. ~~The customer f~~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 (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 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)(\_\_\_\_)