

## DECISION MEMORANDUM

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

**FROM: DON HOWELL**

**DATE: NOVEMBER 4, 2004**

**RE: PROPOSED REVISION TO THE UTILITY CUSTOMER RELATIONS  
RULES, IDAPA DOCKET NO. 31-2101-0401 (RUL-U-04-1)**

In August 2004, the Commission issued a Notice of Proposed Rulemaking to be published in the Idaho Administrative Bulletin. In its APA Notice, the Commission proposed to amend its Utility Customer Relations Rule 108 and to promulgate a new Rule 110. IDAPA 31.21.01. The proposed change to Rule 108 would allow a public utility to transfer a customer deposit or advance payment to a new account or apply it to the account balance owed on an existing account. New Rule 110 implements *Idaho Code* § 14-508 that states that any utility deposit or advanced payment unclaimed for more than one year is presumed to be abandoned property. As proposed, Rule 110 would allow a public utility to forward abandoned deposits or advance payments to a financial assistance program certified by the Commission.

The Commission's Notice of Proposed Rulemaking was published in the Idaho Administrative Bulletin on October 6, 2004. The Notice invited public comments to be submitted to the Commission no later than October 27, 2004. No public comments were submitted. The Legislative Services Office forwarded a letter to the Commission dated September 22, 2004. In its letter, Legislative Services noted that the Senate and House Subcommittees for Review of Administrative Rules have reviewed the proposed changes. The letter continued that no "meeting will be held, and we are pleased to report that no objections will be filed [to the proposed rules]." The two proposed rules are attached for your review.

**COMMISSION DECISION**

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

Does the Commission wish to issue a Notice of Pending Rulemaking in the next Administrative Bulletin to be published January 5, 2005?

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Don Howell

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**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)**

**RULES 100 TO 199 - ~~DEPOSIT AND GUARANTEE~~ PRACTICES  
FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS**

(BREAK IN CONTINUITY OF SECTIONS)

**108. TRANSFER OF DEPOSIT (RULE 108).**

Deposits shall not be transferred from one customer to another customer or between classes of service, except at the customer's request. When a customer with a deposit on file transfers service to a new location within the same utility's service area, the deposit ~~and any outstanding balance~~ (with accrued interest) shall be either transferred to the account for the new location or credited to the customer's current account. (7-1-93)(\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

**110. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 110).**

**01. Presumption of Abandonment.** Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain utility service that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. (\_\_\_\_)

**02. Financial Assistance Program.** A utility may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be abandoned to a financial assistance program which assists the utility's low income and disadvantaged customers with payment of utility bills. The utility shall remain obligated to file its report of such abandoned property as required by Section 14-517, Idaho Code, and retain records as required by Section 14-531, Idaho Code. (\_\_\_\_)

**1101. -- 199. (RESERVED).**