



Idaho Community Action Network

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IDAHO PUBLIC UTILITIES COMMISSION

PETITION FOR RULE CHANGE

Pursuant to Rule of Procedure 53 (IDAPA 31.01.01.053), Idaho Community Action Network hereby petitions the Idaho Public Utilities Commission to amend the Utility Customer Relations Rules, IDAPA 31.21.01.

Idaho Community Action Network (ICAN) is a statewide grassroots organization dedicated to the fight for social, racial and economic justice for all Idahoans. ICAN has over 11,000 members represented by over 8,000 family memberships, spanning the state from the Snake River Plain of southern Idaho to the Canadian Border. The fundamental mission of ICAN is to provide a voice for Idahoans committed to progressive social change and to develop the power necessary to create those changes.

ICAN members have experienced increased problems with utility service. As utility rates rise, our incomes and the low-income energy assistance funds available to us have stagnated or decreased. As a result, an increasing number of families in Idaho have had problems paying utility bills and have had service terminated. This experience has convinced ICAN members that the customer relations rules governing shutoffs are not strong enough to protect us from unwarranted shutoffs. We ask the Commission to amend the Rules to protect vulnerable low-income families from shutoffs.

In this petition, we propose amendments to Rules 304, 305, 306, 308, 311, and 701, and to create a new Rule 702. Each of the sections below sets out our reasons for proposing the change and facts that support our arguments. At the end of each section, we provide proposed language changes for the individual Rules.

1) Strengthen the Winter Moratorium. (Rule 306)

- a) Extend the Winter Moratorium to include the months of November and March.

Currently, the Winter Moratorium protects some customers during the months of December, January, and February. But the months of November and March are also very cold in Idaho, and the Winter Moratorium should be extended to protect these vulnerable customers during those months as well.

Of the 35 states with date-based winter moratoriums, along with West Virginia, Idaho shares the dubious distinction of having the shortest moratorium.¹ The most common coverage period was November through March, which 12 states have chosen to cover.² Twenty-six states cover all or part of November.³ Thirty states cover all or part of March, and ten states cover all or part of April.⁴ The most generous states – Wyoming, which covers November through April, and Minnesota, which covers October 15th through April 15th – are states with winters like Idaho’s. Extending the moratorium to

¹ U.S. Department of Health and Human Services, Administration for Children and Families, “State Disconnection Policies, Seasonal, Health and Other,” <http://www.nicat.org/liheap/Disconnect/SeasonalDisconnect.htm>.

² Ibid.

³ Ibid.

⁴ Ibid.

cover November and March would bring Idaho’s moratorium in line with those of other states with similar winters.

Idaho winters last longer than just three months. This chart shows average temperatures in different parts of the state during the months of November through April.

Average low temperatures in selected Idaho cities during winter months in °Fahrenheit

| City | November | December | January | February | March | April |
|-------------------------|----------|----------|---------|----------|-------|-------|
| Boise ⁵ | 32 | 24 | 24 | 29 | 34 | 39 |
| Pocatello ⁶ | 25 | 17 | 16 | 21 | 27 | 33 |
| McCall ⁷ | 22 | 14 | 13 | 15 | 21 | 27 |
| Twin Falls ⁸ | 27 | 20 | 20 | 23 | 29 | 35 |
| Orofino ⁹ | 31 | 26 | 25 | 28 | 32 | 38 |
| Preston ¹⁰ | 24 | 16 | 16 | 19 | 26 | 32 |

As the chart shows, temperatures are at or below freezing throughout the state during November and March. In some places, average monthly temperatures approach freezing even through April. Living without home heating when the temperature is freezing, or even in the thirties and forties, is intolerable. The vast majority of states with temperature-based winter moratoriums set the cutoff temperature at 32 degrees.¹¹

⁵ <http://www.weather.com/outlook/travel/vacationplanner/climatology/monthly/USID0025>

⁶ <http://www.weather.com/outlook/travel/vacationplanner/climatology/monthly/USID0204>

⁷ <http://www.weather.com/outlook/travel/vacationplanner/climatology/monthly/USID0156>

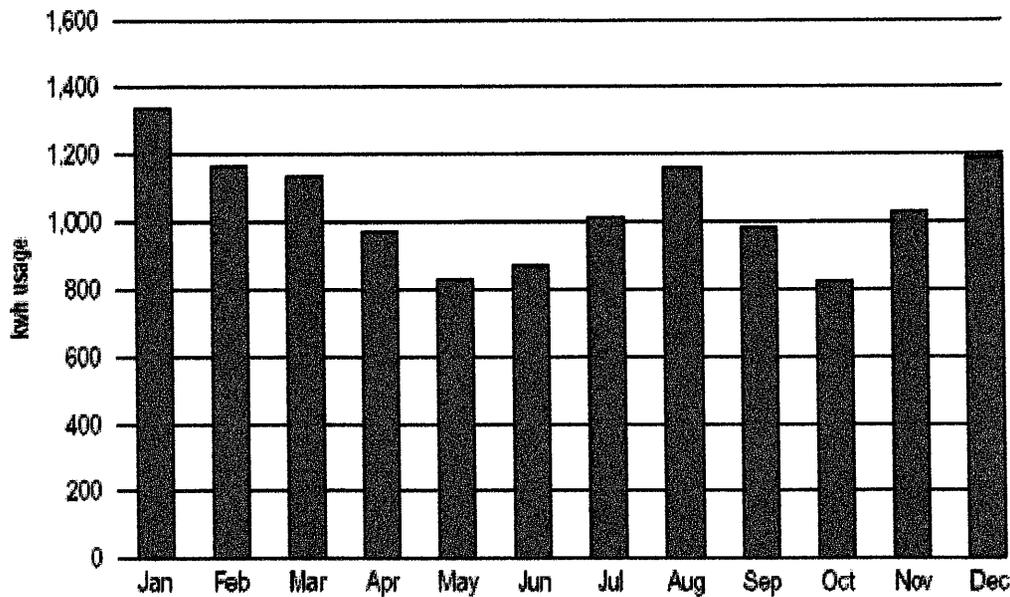
⁸ <http://www.weather.com/outlook/travel/vacationplanner/climatology/monthly/USID0263>

⁹ <http://www.weather.com/outlook/travel/vacationplanner/climatology/monthly/USID0190>

¹⁰ <http://www.weather.com/outlook/travel/vacationplanner/climatology/monthly/USID0210>

¹¹ U.S. Department of Health and Human Services, Administration for Children and Families, “State Disconnection Policies, Seasonal, Health and Other,” <http://www.ncaat.org/liheap/Disconnect/SeasonalDisconnect.htm>. Twelve states have temperature-based winter moratoriums. Of those twelve states, one sets the cutoff at 35°, one at 10°, one at 30°, and one at 20°.

IPC residential average use



Source: Exhibit No. 129, Case No. IPC-E-03-13, D. Schunka, Staff, 2/20/04.

Finally, winter utility usage patterns show that increased usage of energy during the winter season starts in November and continues through April.¹² In November, average usage jumps from October's rate of just over 800 kwh to just over 1000 kwh. March average usage is almost as high as February usage, and April usage is just below 1000 kwh.¹³

- b) During the Winter Moratorium, utilities should be required to connect or reconnect power for applicants and for moratorium-eligible customers who have had their power shut off.

The winter moratorium is designed to protect vulnerable families, including families with children, seniors, and people with illnesses or disabilities. These families need protection during the winter months, and the state of Idaho has made a commitment to protect them by ensuring that their power cannot be shut off. Allowing the utilities to shut off moratorium-eligible customer's power before the beginning of the moratorium and not requiring them to reconnect it during the moratorium creates a gaping hole in that safety net. Other gaping holes exist – applicants who qualify for the moratorium are not protected until their power has been connected.

Moratorium-protected families moving from one home to another may also fall through a hole in the moratorium safety net. At the June 9 rules meeting, utility representatives noted that treatment of a moratorium-eligible family moving to a new residence might depend on whether the power at the new residence had been disconnected after the last resident moved out or not – an arbitrary way to decide whether a family will have heat. The utility representatives stated that if the power had been left on, it would most likely not be disconnected if the family was moratorium eligible, even if they had an outstanding balance at a former residence. If the power was previously disconnected, however, it might not be reconnected until previous balances were paid, regardless of the family's moratorium eligibility. This could prevent a family from moving to a better location from a more expensive home, a home with poor living conditions, or a home with high heating costs. As Teri Ottens of the Community Action

¹² Exhibit No. 129, Case No. IPC-E-03-13, "IPC Residential Average Use".

¹³ Ibid.

Partnership Association of Idaho pointed out, this could prevent a family from taking advantage of housing assistance – the waiting list for Section 8 housing assistance is long, and when a family reaches the top of the list, it has a limited time to take the assistance. However, landlords who accept the vouchers are also limited, and a family could find itself in the untenable position of having to choose between housing assistance and heat for the winter.

Moratorium-eligible families should be protected regardless of whether their power is connected at the beginning of the moratorium, and when they move to a new residence. Utilities have suggested in the past that some people are using the moratorium to avoid paying bills they could afford to pay, but they have never provided any evidence, even anecdotal evidence, to support their claim. We do know that there are thousands of low-income households in the state with children, seniors, or infirm household members who count on this protection to get them through the winters.

306. TERMINATION OF RESIDENTIAL GAS AND ELECTRIC SERVICE - WINTER PAYMENT PLAN.

01. Restrictions on Termination of Service to Households with Children, Elderly, or Infirm. Except as provided in Rule 303, no gas or electric utility may terminate service or threaten to terminate service during the months of ~~December~~ November through ~~February~~ March to any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons. During the period of the winter moratorium, a gas or electric utility must connect or reconnect service for an applicant or customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons, regardless of any outstanding balance the household may have at the current residence or any previous residence. A gas or electric utility must 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 currently have service, if the customer declares that he or she is unable to pay in full for utility service and that his or her household includes children, elderly or infirm persons. (7-1-93)

02. Definitions for This Rule. For purposes of this rule: (7-1-93)

a. "Children" are defined as persons 18 years of age or younger, but customers who are emancipated minors are not children under this rule. (7-1-93)

b. "Elderly" are defined as persons 62 years of age or older. (7-1-93)

c. "Infirm" are defined as persons whose physical health or safety would be seriously impaired by termination of utility service. (7-1-93)

03. Opportunity to Participate in Winter Payment Plan. Any residential customer or applicant who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons must be offered the opportunity to establish a Winter Payment Plan. However, no customer may be required to establish such a plan. ~~Except as provided in Rule 303, no gas or electric utility may terminate service during the months of November through March to any customer who establishes a Winter Payment Plan before November 1. A customer may establish a Winter Payment Plan after November 1, but the extended protection from termination of service offered under such a plan will not begin until the date the plan is established. Failure of a participating customer to make payments as required will result in cancellation of the plan and elimination of the extended protection from~~

~~termination of service offered under the plan. The customer may use any source of funds to satisfy the payment requirements of Winter Payment Plan. (7-1-93)~~

~~**04. Amount of Payments Under Winter Payment Plan.** Monthly payments under a Winter Payment Plan are equal to one-half (1/2) of the Level Pay Plan amount for that customer. The Level Payment Plan amount must be calculated according to Rule 313.06. (7-1-93)~~

~~**05. Payment Arrangements Following Winter Payment Plan.** If a customer who received the protection of this rule has an outstanding balance owed to the utility, the customer must either pay this balance or negotiate a new payment arrangement: (7-1-93)~~

~~a. On or after ~~March~~ April 1, if the customer has not established a Winter Payment Plan; or (7-1-93)~~

~~b. On or after April 1, if the customer has established a Winter Payment plan. Failure of a customer to pay or make payment arrangements on or after these dates may result in termination of service. (7-1-93)~~

~~**06. Successive Participation in Winter Payment Plan.** A customer who participates in a Winter Payment Plan one year must be allowed to participate in succeeding years if the customer has honored the payment arrangements and the balance owing as of November 1 does not exceed \$75 or the customer's utility bill for the previous 30 days, whichever is greater. However, the utility is not required to connect or reconnect the service of a customer or applicant who does not currently have utility service and owes an unpaid, undisputed bill to the utility. (7-1-93)~~

~~**07. Unoccupied Residences, Etc.** Nothing in this rule prevents a gas or electric utility from terminating service to unoccupied residences or residences where the occupants have failed or refused to apply for utility service. 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 currently have service. (7-1-93)~~

2) Strengthen the medical certificate by extending the period of protection to not more than six or twelve months, with unlimited renewal. (Rule 308)

Idaho's medical certificate postponement of termination protection prevents a utility from shutting off a customer's power for 30 days after the customer provides a certificate from a doctor or a public health official saying that someone in the household is seriously ill or has a medical emergency, or that the person will become seriously ill or have a medical emergency if the power goes off. The shutoff can be postponed for 30 more days with another certificate. While this protection is valuable, it is not as strong as it should be.

In Oregon, an emergency medical certificate is valid for the length of time the health endangerment is certified to exist, but no longer than six months without renewal for certificates not specifying chronic illnesses and no longer than twelve months for certificates specifying illnesses identified as chronic.¹⁴ The rule requires the utility to provide the customer with written notice that the period is about to expire 15 days before expiration, and does not limit the number of times a customer can renew the certificate, as long as the health endangerment continues.

¹⁴ Oregon Administrative Rules 860-021-0410.

Oregon's rule makes more sense in the context of chronic health problems. A life-threatening condition rarely resolves itself in 30 or 60 days. Chronic conditions like asthma and sleep apnea, which require a constant and reliable power supply, last a lifetime. For a customer who requires machines like oxygen concentrators or bi-pap machines to breathe, losing power for any period of time is life-threatening, and the stress of dealing with the problem can exacerbate the customer's health problems.

Furthermore, renewing the certificate after thirty days, or every thirty days, is not practical for low-income customers with chronic or emergency health problems. Each visit to the doctor to obtain a certificate costs money, as well as time and energy, particularly for the many low-income and disabled people without access to reliable transportation. Having the power shut off is also expensive, with utilities requiring the customer to pay a deposit and reconnection fees as well as the balance due before reconnection. These costs cut deeply into the limited income of a person with chronic illness or an emergency health crisis.

At the rules meeting on June 9, the utility representatives stated that in practice, and on a case-by-case basis, they offer longer periods of protection than the rule requires. This is not a strong enough protection for persons with chronic illnesses. Transparency of process is very important for low-income people trying to manage paying bills with the demands of chronic illness. A case-by-case policy means that a customer has no way of knowing when the utility will offer that protection, and therefore there is no way for the customer to plan. Most customers are unaware that any leniency is available, and would not even know to ask for it.

Idaho Power, Avista, and Utah Power (Pacific Corp) all serve customers in Oregon and comply with the Oregon rule providing greater protection. Strengthening the rule here in Idaho to provide Idaho consumers with the same protection will not present a significant hardship to the utilities here.

308. SERIOUS ILLNESS OR MEDICAL EMERGENCY.

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~~ on the date of receipt of a written certificate signed by a licensed physician or public health official with medical training. An emergency medical certificate shall be valid only for the length of time the health endangerment is certified to exist, but no longer than six months without renewal for certificates not specifying chronic illnesses and no longer than twelve months for certificates specifying illnesses identified as chronic by the signing physician or public health official. The certificate must contain the following information: (3-20-04)

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 termination of utility service would adversely affect the health of that customer, member of the customer's family, or resident of the household. (3-20-04)

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 (3-20-04)

c. The name, title, and signature of the person certifying the serious illness or medical emergency. (3-20-04)

02. 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 shall receive service for thirty (30) calendar days from the utility's receipt of the certificate.~~ (3-20-04)

03. 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. Renewal~~

of Medical Certificate. At least 15 days before the certificate's expiration date, an electric or gas utility will give the customer written notice of the date the certificate expires unless it is renewed with the utility before that day arrives. A customer may submit additional certificates and continue the postponement of termination, as long as the health endangerment continues. (7-1-93)

04. 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. (3-20-04)

3) Strengthen the requirements for notice to customers before termination of service (Rules 304, 305)

- a. Strengthen Rule 304 to ensure that Idaho customers receive actual notice of termination before it occurs.

We propose that the Commission change the initial notice requirement in Rule 304 to require the utilities to send out the initial written notice 14 days before shutoff, rather than 7 days before. Mail service in Idaho is less efficient than the rules presume: our members report that it can take 5 days for a letter mailed in Idaho to reach them. Teri Ottens of CAPAI confirmed that, in her experience, it can take 5 days for a letter to cross Boise. Low-income customers, and particularly rural residents, need more than a few days to collect the needed funds and pay a bill in time to prevent shutoffs. Rural ICAN members report that they live far from the money sources they rely on, like pay-day loan providers, and from pay stations. For a working parent to travel long distances to get money from a pay-day loan source or to travel to borrow money from family or friends, and reach a pay station during their limited business hours is very difficult and requires some notice. Members also report that payments take some time to process, so they are required to plan several days of waiting for the payment to clear into that period. Seven days is just not long enough to accomplish all of that.

We also propose that the term “diligently attempt,” used in Rule 304’s requirement that a utility contact a customer in person or by phone within 24 hours of termination, be further clarified. The rule should require that a utility make at least 2 attempts to contact the customer by phone or in person during that time, and that the utility document these attempts for review by the Commission. Members report that they simply have not received the written notices, and that they have not received phone calls even when they were home for the entire 24-hour period preceding shutoff. This change would provide the utilities with clearer guidance about how to contact customers and would ensure that customers have a better chance of receiving notice.

- b. Amend Rule 305 to require that a utility provide more information in the written notices of termination.

The initial and final notices of intent to terminate service are important sources of information for consumers, and they should provide all the information a customer needs to avoid termination. The initial notice should include information about the Winter Moratorium, and not only the Medical Certificate, to ensure that all families that qualify for the Moratorium know about it. Having the power shut off, with the additional fees and logistical problems involved, can be a disaster for a low-income

family. Avoiding that outcome is important, and including the information in the initial notice will help families understand their options.

Including a short warning on all termination notices, initial and final, in languages other than English, warning non-English speakers that the notice is about termination and that information is available in other languages, is another important way to prevent terminations. In Oregon, the PUC requires that in every disconnection notice energy utilities include this basic information translated into Spanish, Vietnamese, Cambodian, Laotian, and Russian.¹⁵ Most Idaho utilities have experience already including these warnings in shutoff notices. Instead of the five languages named in the Oregon rule, we have chosen the five most commonly spoken languages in Idaho.

We also propose requiring that the final notice tell the household the date and approximate time of day when termination will take place. This information would allow a low-income working person to make arrangements to be home and prevent termination by paying the bill, or to make arrangements for children and other vulnerable family members to be elsewhere when the power goes out. When discussing this section, utility representatives pointed out that termination takes place after several opportunities for notice, and that customers theoretically should have the opportunity to contact the utility before termination. The experience of low-income families, however, is that the notices have not arrived in time, and collecting money to pay the bill can take them much longer than it would take higher-income people with more resources. And taking time from work to make arrangements or be at home for the shutoff is costly, compounding the existing financial problems.

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

01. 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) fourteen (14) calendar days before the proposed date of termination. This written notice shall contain the information required by Rule 305. (3-20-04)

02. 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 the proposed date of termination, the utility 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 final notice shall contain the same information required by Rule 305. A diligent attempt means at least two documented attempts at different periods of the day to contact the customer. (3-20-04)

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 shall again provide notice under Subsections 304.01 and 304.02 if it still intends to terminate service. (3-20-04)

04. Failure to Pay. No additional notice of termination is required if, upon receipt of a termination notice, the customer: (3-20-04)

- a. Makes a payment arrangement and subsequently fails to keep that arrangement; (3-20-04)
- b. Tenders payment with a dishonored check; or (3-20-04)
- c. Makes an electronic payment drawn on an account with insufficient funds. (3-20-04)

¹⁵ Oregon Administrative Rules 860-021-0011.

305. CONTENTS OF NOTICE OF INTENT TO TERMINATE SERVICE (Rule 305).

The written or oral notice of intent to terminate service required by Rule 304 shall state: (7-1-93)

01. Reasons for Termination. The reason(s), citing these rules, why service will be terminated and the proposed date of termination. (7-1-93)

02. Actions to Avoid Termination. Actions the customer may take to avoid termination of service. (7-1-93)

03. Medical Certificate and Winter Moratorium. That a certificate notifying the utility of a serious illness or medical emergency in the household may delay termination as prescribed by Rule 308. That no gas or electric utility may terminate service or threaten to terminate service during the months of November through March to any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons. (7-1-93)

04. Filing Complaints. That an informal or formal complaint concerning termination may be filed with the utility or the Commission, and that service will not be terminated on the ground relating to the dispute between the customer and the utility before resolution of the complaint (the Commission's address and telephone number must be given to the customer). (7-1-93)

05. Payment Arrangements. That the utility is willing to make payment arrangements (this statement must be in bold print on written notices). (7-1-93)

06. Partial Payments. That for purposes of termination, partial payments will be applied toward utility service charges first, unless the customer requests otherwise, and that charges for nonutility services cannot be used as a basis for termination. (3-30-01)

07. Notice In Languages Other Than English. All energy utilities' disconnect notices shall contain the following information translated into Serbo-Croatian, Arabic, Spanish, Russian and Farsi and any other language required by the Commission under Rule 702:

IMPORTANT NOTICE: Your electric service will be shut off because of an unpaid bill on your account. You must call immediately to avoid shut off. If you are unable to read this bill, please have someone translate it for you. If you are unable to find someone to translate this notice, call NAME at NUMBER who will help you. Information about your rights as a customer and ways to stop your shut off are also available in this language. CALL NOW TO STOP YOUR SHUT OFF.

08. Time and Date of Termination. The final notice shall inform the customer that service will be disconnected on a specific date and indicate the time of day that service will be disconnected.

4) Prohibit shutoffs on Fridays and days before legal holidays. (Rule 311)

Rule 311 states that a utility may not terminate service: on any Friday after 2 p.m.; on Saturday, Sunday, legal holidays recognized by the State of Idaho; after 2 p.m. on any day immediately preceding any legal holiday; or, at any time when the utility is not open for business.

The rule should be amended to prevent termination on any Friday or day preceding a legal holiday. If the utility terminates service on those days, the household must pay higher reconnection fees to have the service reconnected during the weekend or holiday, or endure a weekend or holiday without service.

For low-income families, any reconnection fee is difficult, but the higher fees for non-business hour reconnection are prohibitive and cut into the family budget for necessities like food and medicine. No family should have to choose between freezing through a long Idaho winter weekend and paying for basic necessities.

The Oregon rules prohibit disconnecting service on Fridays and the days before holidays.¹⁶ Idaho Power, Avista, and Utah Power (Pacific Corp) have experience complying with the rule, and should have no difficulty adjusting their Idaho operations to meet it.

Utility representatives stated at the June 9 meeting that their companies do not shut off power on the days before holidays because they do not want to require employees to work on holidays to restore power to those households. Changing the rule to match the existing practice would not cause the utilities any hardship. Changing the rule to prohibit shutoffs on Fridays as well would help low-income Idaho families.

311. RESTRICTIONS ON TERMINATION OF SERVICE - OPPORTUNITY TO AVOID TERMINATION OF SERVICE (Rule 311).

01. When Termination Not Allowed. Service shall not be terminated on any Friday, ~~after 2 p.m., or on Saturday, Sunday, legal holidays recognized by the State of Idaho, or after 2 p.m.~~ on any day immediately preceding any legal holiday, or at any time when the utility is not open for business, except as authorized by Rules 303.01 and 303.02. Service may be terminated between the hours of 4 p.m. and 9 p.m., Monday through Thursday, if the utility is unable to gain access to the customer's meter during normal business hours. Unless otherwise authorized by this rule, Rules 303.01 and 303.02, or the affected customer in writing, service may be terminated only between the hours of 8:00 a.m. and 4:00 p.m. (5-3-03)

02. Personnel to Authorize Reconnection. Each utility shall have personnel available after the time of termination who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the utility's satisfaction. Service shall be reconnected as soon as possible, but no later than twenty-four (24) hours after the utility's conditions are satisfied and the customer requests reconnection. (5-3-03)

03. Opportunity to Prevent Termination of Service. Immediately preceding termination of service, the employee designated to terminate service shall identify himself or herself to the customer or other responsible adult upon the premises and shall announce the purpose of the employee's presence. This employee shall have in his or her possession the past due account record of the customer and shall request any available verification that the outstanding bills are satisfied or currently in dispute before this Commission. Upon presentation of evidence that outstanding bills are satisfied or currently in dispute before this Commission, service shall not be terminated. The employee shall be authorized to accept full payment, or, at the discretion of the utility, partial payment, and in such case shall not terminate service. Nothing in this rule prevents a utility from proceeding with termination of service if the customer or other responsible adult is not on the premises at the time of termination. (5-3-03)

04. Notice of Procedure for Reconnecting Service. The employee of the utility designated to terminate service shall give to the customer or leave in a conspicuous location at the service address affected a notice showing the time of and grounds for termination, steps to be taken to

¹⁶ Oregon Administrative Rules 860-021-0320.

secure reconnection, and the telephone numbers of utility personnel or other authorized representatives who are available to authorize reconnection. (5-3-03)

05. No Termination While Complaint Pending. Except as authorized by order of the Commission or of the Judiciary, service shall not be terminated for failure to pay amounts in dispute while a complaint filed pursuant to Rule 402 is pending before this Commission or while a case placing at issue payment for utility service is pending before a court in the state of Idaho. (7-1-93)

5) Require multilingual notices in Serbo-Croatian, Arabic, Spanish, Russian and Farsi (Proposed Rule 702)

According to the 2000 Census, 46,539 Idaho residents spoke English less than “very well,”¹⁷ and 80,241 people over the age of 5 in Idaho spoke Spanish in the home.¹⁸ The languages other than English most commonly spoken in Idaho are Spanish, Serbo-Croatian, Arabic, Farsi (spoken by immigrants from Iran and Afghanistan), and Russian.¹⁹ In Ada County alone, 958 refugees speak Serbo-Croatian as their primary language, and 101 speak Arabic as their primary language.²⁰ In the five year period ending in February 2003, 2,015 refugees arrived in Idaho from all over the world.²¹

Many of Idaho’s newest residents are not English speakers. Providing notices in the languages most commonly spoken in the state will protect non-native English speakers from shutoffs and other penalties incurred simply because the customer could not read the information provided. Demand for other languages is increasing rapidly, as Idaho Power recently learned by instituting interpretation services for customers with language needs. The list of languages requested by customers in the first month of service alone was impressive. Idaho Power’s decision to invest in translated materials as well as interpretation services shows its recognition of the increased need in the state. Providing translated materials, although it involves an immediate cost for the translations, will ultimately save resources for the utilities, the Commission, and customers.

702. Multilingual Notices

Each utility shall translate the following documents into Serbo-Croatian, Arabic, Spanish, Russian and Farsi and make these translations available to customers on request:

- a. The Summary of Rules (Rule 701).
- b. Multilingual warning on Shutoff Notices (Rule 305.07)
- c. Shutoff notices as described by Rules 304 and 305

When service is initiated, the energy utility shall inquire whether the customer would like to receive notices in a language other than English and will inform the customer of the type of notices and translations currently available. If the language chosen is not available, the energy or large telecommunications utility will tell the customer the translated version does not yet exist but the customer's interest will be recorded for the Commission. Each energy or large telecommunications

¹⁷ U.S. Census Bureau, Summary Tables on Language Use and English Ability: 2000 (PHC-T-20), Language Spoken at Home and Ability to Speak English by Nativity for the Population 5 Years and Over by State: 2000, available at <http://www.census.gov/population/www/cen2000/phc-t20.html>.

¹⁸ U.S. Census Bureau, Table 5. Detailed List of Languages Spoken at Home for the Population 5 Years and Over by State: 2000, available at <http://www.census.gov/population/cen2000/phc-t20/tab05.xls>.

¹⁹ Conversation with Jan Reeves, Director, Idaho Office for Refugees, July 19, 2004.

²⁰ Excel spread sheet “LanguagesAdaCounty,” Idaho Office for Refugees.

²¹ Excel spread sheet “Boise Refugee Arrivals (5 Yr) February 2003,” Idaho Office for Refugees.

utility shall report to the Commission the number of requests for notices and summaries in non-English languages. The reports shall specify the number of requests for each language. The Commission shall review these reports annually. If 20 customers in a utility's service area request translated notices in a language in a year, the Commission shall require the utility to provide translated notices in that language.

6) Require more information in the rules summary that the utilities provide to new customers and existing customers annually. (Rule 701)

Under Rule 701, the utilities are already required to prepare a summary of the Rules and provide it to customers at least once each year, make it available at local offices of the utility in Idaho, and provide it to each new customer upon commencement of service. We are requesting that some additional, important information about the Rules be included in the summary, and that the summary be made available in languages other than English.

First, the summary should provide information about the Winter Moratorium and the Medical Certificate Rules. This information is important to low-income customers. Providing information about these rules to new customers and annually to existing customers will help low-income customers to protect themselves from shutoffs. Most low-income customers do not have access to the internet to research the Rules online or read the utilities' websites to find this information. While it is important to provide this information in winter bills and other timely notices, it is also important to include it in advance information like the rules summary, to allow customers to apply for these protections before they arrive at a crisis.

The rules summary should also include information about how to file a complaint both with the utility and with the Commission. Our members have reported to us many complaints about the utilities, some of which are widespread and recurring, that the utilities and Commission have said they were unaware of. It is clear that customers need more information about how to report these complaints so that the utilities and the Commission will have an opportunity to correct problems as they arise.

The summary should also include a brief notice, in all of the languages indicated in the new Rule 702, about the availability of notices in other languages, and should be translated into and made available in those languages.

701. SUMMARY OF RULES

Each utility must make available to its customers a summary of this chapter approved by the Commission. The summary shall be provided to customers at least once each year and must be available at local offices of the utility in Idaho and provided to each new customer upon commencement of service. Notices posted in local offices shall be posted in English and Spanish; other translations as required under Rule 701 must be available for distribution in the offices. The summary sent by gas and electric utilities must include or be accompanied by information explaining the Third-Party Notification Program described in Rule 307 and a statement of the utility's willingness pursuant to Rule 311 to make payment arrangements to assist customers having difficulty paying their utility bills. The summary must also include explanations of the Winter Moratorium described in Rule 306 and the Medical Certificate postponement of termination described in Rule 308. The summary must include a summary of Rules 401 and

402, explaining how to complain to the utility and how to complain to the Commission, the phone number of the Commission. The summary must provide notice that service shall not be terminated nor termination be threatened by notice or otherwise in connection with the subject matter of the complaint while the complaint is pending before the Commission, so long as the customer continues to pay all amounts not in dispute, including current utility bills. The summary must include the statement: "A version of a consumer rights and responsibilities summary printed in this language is available by calling (name of utility) at (phone number).", in each of the languages designated under Rule 702. Foreign language summaries of the rules provided by the Commission to the utilities must be made available to customers, civic organizations, etc., on request. (7-1-93)

ICAN requests the Commission grant this Petition to amend the Utility Customer Relations Rules as set forth above.

Respectfully submitted,



Karen McWilliams
ICAN Board Member