

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION**

**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)**

**DOCKET NO. 31-2101-0402**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**NOTICE OF PUBLIC HEARING**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 61-302, 61-303, 61-307, 61-503, 61-507, and 61-515, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this proposed rule will be held on Wednesday, October 19, 2005 at 7 p.m. in the Commission's Hearing Room located at 472 W. Washington Street, Boise, Idaho (208) 334-0300. The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

In July 2004 the Idaho Community Action Network (ICAN) filed a Petition for Rulemaking recommending that the Commission adopt six (6) proposed changes to its Utility Customer Relations Rules and adopt one (1) new rule. In response to ICAN's Petition, the Commission initiated a negotiated rulemaking. The Commission Staff conducted public workshops in Boise and in Coeur d'Alene, Idaho, to discuss ICAN's proposed changes. Parties participating in the negotiated rulemaking included ICAN, Idaho Power Company, PacifiCorp, Avista Utilities, Intermountain Gas, the Community Action Partnership Association of Idaho (CAPAI), the Idaho Office for Refugees, Idaho Legal Aid, the North Idaho Community Action Agency, and the Commission Staff.

The workshops and subsequent conversations among the parties did not result in consensus. After reviewing the ICAN proposals, the existing rules and the workshop discussions, the Commission now proposes several changes to the Utility Customer Relations Rules. First, the Commission proposes changes to Rule 305 regarding the contents of the notices that utilities are required to give customers before terminating service during the three (3) months of the winter moratorium (December, January and February). During the winter moratorium, utilities are prohibited from terminating natural gas or electric heating service for residential household customers with children, elderly or infirm persons. Second, the proposed changes to Rule 306 would amend the eligibility requirements and the operation of the winter moratorium. Proposed Rule 306.01 would expand moratorium eligibility to include households receiving financial

assistance through the Low-Income Home Energy Assistance Program (LIHEAP) during the current program year. Customers who participate in the winter payment plan (payments equal to one-half (1/2) of the annual level pay plan) may participate in successive years of the winter payment plan. Eligible customers participating in the moratorium may maintain their participation if they move to another residence during the three (3) months and utilities shall be required to turn on service at the new residence.

Third, existing Rule 311.01 prohibits the termination of utility services on Saturday, Sunday, a legal holiday, or after 2 p.m. on any Friday or on any day immediately preceding any legal holiday. The Commission proposes to amend this rule by prohibiting disconnection on any day immediately preceding a holiday and moving the 2 p.m. threshold on Friday to 12 noon. Fourth, Rule 701 would be clarified by listing the required contents of the annual summary of rules that utilities provide to each customer. Finally, Rule 701.04 would require that the Commission provide utilities with a "model" of the annual summary of rules including a Spanish language model. The Commission also proposes other changes to clarify these rules.

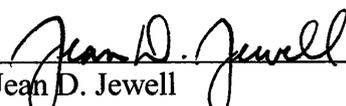
**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, October 6, 2004 in Volume 04-10 at page 475.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Beverly Barker at (208) 334-0302.

Anyone may submit written comments regarding these proposed rules. All written comments concerning the proposed rules must be delivered to the Commission Secretary at the address identified below or must be postmarked on or before October 26, 2005.

DATED at Boise, Idaho this 19<sup>th</sup> day of August 2005.

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:  
472 W Washington  
Boise, Idaho 83702-5983

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)**

**305. CONTENTS OF NOTICE OF INTENT TO TERMINATE SERVICE (RULE 305).**

**01. Contents of Notice.** The written or oral notice of intent to terminate service required by Rule 304 shall state: (7-1-93)(\_\_\_\_)

**~~01.a. Reasons For Termination.~~** The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (7-1-93)(\_\_\_\_)

**~~02.b. Actions To Avoid Termination.~~** Actions the customer may take to avoid termination of service; (7-1-93)(\_\_\_\_)

**~~03.c. Medical Certificate.~~** That a certificate notifying the utility of a serious illness or medical emergency in the household may delay termination as prescribed by Rule 308. (7-1-93)(\_\_\_\_)

**~~04.d. 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); and (7-1-93)(\_\_\_\_)

**~~05.e. 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.f. 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 non-utility services cannot be used as a basis for termination. (3-30-01)(\_\_\_\_)

**02. Additional Requirements for Gas and Electric Utilities.** During the months of November, December, January and February, oral and written notices provided by gas and electric utilities shall include or be accompanied by an explanation of restrictions on termination of service and the availability of the Winter Payment Plan described in Rule 306. (\_\_\_\_)

**306. TERMINATION OF RESIDENTIAL GAS AND ELECTRIC SERVICE -- WINTER PAYMENT PLAN (RULE 306).**

**01. Restrictions on Termination of Service to Certain 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 through February 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, or receives financial assistance through the Low Income Home Energy Assistance Program (LIHEAP) during the current program year. (7-1-93)(    )

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

a. "Children" are defined as persons eighteen (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~~ means persons sixty-two (62) years of age or older. (7-1-93)(    )

c. "Infirm" ~~are defined as~~ means 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 who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons, or receives financial assistance through the Low Income Home Energy Assistance Program (LIHEAP) during the current program year ~~must shall~~ 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 shall~~ 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 shall~~ either pay this balance or negotiate a new payment arrangement. (7-1-93)(    )

a. On or after March 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 (1) year must shall be allowed to ~~participate~~ establish a Winter Payment Plan in the succeeding years if the customer has honored the payment arrangements and the balance owing as of November 1 does not exceed seventy five dollars (\$75) or the customer's utility bill for the previous thirty (30) days, whichever is greater made under a Winter Payment Plan for the prior year. 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. - Failure or Refusal to Apply for Service.** 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 when that customer moves to a new residence that does not currently have service.~~ (7-1-93)(\_\_\_\_)

**08. Customers Who Move.** During the months of December, January and February, a gas or electric utility shall continue to provide service to any residential customer who made a declaration as provided for in Rule 306.01 and subsequently moves to a new residence served by the same utility, regardless of any outstanding balance owed by the customer. If service is not connected at the new residence, service shall be connected as soon as possible after the customer requests service at the new residence. (\_\_\_\_)

**09. Applicants Previously Served.** During the months of December, January and February, a gas or electric utility shall provide service to any residential applicant who made a declaration as provided for in Rule 306.01 and within thirty (30) days of discontinuing service, subsequently applies for service at a new residence served by the same utility, regardless of any outstanding balance owed by the applicant. If service is not connected at the new residence, service shall be connected as soon as possible after the applicant requests service at the new residence. (\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

### **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 12 p.m. noon, 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 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)

(BREAK IN CONTINUITY OF SECTIONS)

## 701. SUMMARY OF RULES (RULE 701).

**01. Summary to Be Provided to Customers.** Each utility ~~must make available~~ shall provide 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. ( )

**02. Contents of Summary.** ~~The summary sent by gas and electric utilities must shall~~ include ~~or be accompanied by information explaining the Third Party Notification Program~~ described in Rule 307 and the following information: ( )

- a. An explanation of the conditions under which the utility may request a deposit;( )
- b. An explanation of the conditions under which the utility may deny or terminate service; ( )
- c. An explanation of how termination of service may be postponed due to serious illness or medical emergency (residential customers only); ( )
- d. aA statement of the utility's willingness pursuant to Rule 311 to make payment arrangements to assist customers having difficulty paying their utility bills; ( )
- e. An explanation of how to file a complaint with the utility and the Commission; and ( )
- f. A statement that termination of service is prohibited while a complaint is pending with the Commission or with a court in the State of Idaho. ( )

**03. Summary for Gas and Electric Customers.** The summary provided by a gas or electric utility also shall include the following information: ( )

- a. An explanation of restrictions on termination of service and the availability of the Winter Payment Plan described in Rule 306 (residential customers only). ( )
- b. An explanation of the Third Party Notification Program described in Rule 307 (residential customers only); and ( )
- c. An explanation of the availability of the Level Pay Plan described in Rule 313.( )

**04. Model Summaries.** ~~Foreign language summaries of the rules~~ Model Rules Summaries, including Spanish language translations for residential customers, shall be provided by the Commission to the utilities and other interested parties must be made available to customers, civic organizations, etc., on upon request. (7-1-93)( )

### Proposed/Temporary Administrative Rules Form

Agency Name: <i>Public Utilities Commission</i>		STARS Agency Code: <i>31</i>
Contact Person: <i>Bev Barker</i>		Phone Number: <i>334-0302</i>
Approval Contact Person: (If different than above contact person) <i>Ron Law</i>		FAX Number: <i>334-3762</i>
Title, Chapter, and Possible Docket (IDAPA) Number: <i>Utility Customer Relations Rules 31-2101-0402</i>		
This Rule is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary Effective Date:		
If Temporary Rule: <input type="checkbox"/> Necessary to protect the public health, safety, or welfare; or <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs; or <input type="checkbox"/> Conferring a benefit.		
If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2):		
Need for Proposed Rule Change: <i>These proposed rule changes are in response to a Petition for Rulemaking and a negotiated rulemaking process. Based upon the Petition and the negotiation workshops, the PUC is proposing several changes to its Customer Relations Rules.</i>		
Proposed Rule Changes (Summary Only): <i>Existing Rule 306 (IDAPA 31.21.01.306) would be amended to allow residents receiving federal low income heating assistance to be eligible for the winter moratorium. Amends Rule 305 (Termination Notices) to require customers termination notices to advise customers about the Winter Payment Plan. Adds more detail to the contents of the <del>existing</del> Annual Summary of Rules.</i>		
Interest Group(s) or Citizens Affected: <i>Consumer groups, rate payers, utilities</i>		
Estimated Costs for Rule Change (Publication and Operational Costs): <i>\$ 700</i>		
(DFM's Use Only)		
DFM Analyst Comments:		
Received Date: <i>8-1-05</i>	Internal Admin. Rule No. <i>128</i>	
DFM Analyst Signature: <i>[Signature]</i>	Approved: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Reviewed Date: <i>8/1/05</i>
Policy Advisor Signature: <i>[Signature]</i>	Approved: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Reviewed Date: <i>8/11/05</i>

Please return to: Division of Financial Management, Statehouse Room 122  
 PO Box 83720 Boise, Idaho 83720-0032  
 E-Mail: [info@dfm.state.id.us](mailto:info@dfm.state.id.us)

# RULEMAKING CHECKLIST FORM

**Docket Number (Assigned by the Office of Administrative Rules):** 31-2101-0402  
(OAR will assign docket number to Negotiated, Proposed and Temporary rulemakings.)

**IDAPA, Title, and Chapter Number and Chapter Name :**  
31.21.01 Utility Customer Relations Rules

**Agency:** Idaho Public Utilities Commission

**Agency Contact and Phone Number:** Bev Barker 334-0302 Don Howell 334-0312

**Legal Authority for rulemaking - Idaho Code Section(s):** 61-302, 61-303, 61-307, 61-503, 61-507, and 61-515

**This rulemaking is a: (Check at least one; it may be necessary to check more than one.)**

Negotiated Rulemaking  Proposed Rulemaking  Temporary/Proposed Rulemaking

Temporary Rulemaking  Effective Date of Temporary Rule: \_\_\_\_\_

**Temporary Rule Justification (See Idaho Code Section 67-5226):**

- Protection of the public health, safety, or welfare; or  
 Compliance with deadlines in amendments to governing law or federal programs; or  
 Conferring a benefit.

Pending Rule  Date Pending Rule Will Become Effective: \_\_\_\_\_

Amendment to Temporary Rule  Rescission of Temporary Rule

Correction to Pending Rule  Vacation of Rulemaking

**Does any portion of this rulemaking impose or increase a fee or charge?**

If yes, provide a specific description along with the citation of the statute authorizing the imposition or increase.  
NO

**Does this rulemaking necessitate changes in other rules?**

If yes, please specify.  
NO

**Does this rulemaking incorporate by reference other documents?**

Specify an exact description of document(s) incorporated by reference.  
NO

HAVE YOU...

1. Had your legal counsel review your rulemaking?  
 2. Received Director, Board or Commission approval for the rulemaking?  
 3. Provided nine hard copies of the Notice of Rulemaking and the text of the rule changes to the Legislative Services Office? Provided one hard copy if Temporary only?

HAVE YOU INCLUDED...

1. An approved Proposed/Temporary Administrative Rules Form (PARF)?  
 2. An electronic version of the Notice and complete text of the rule changes in Microsoft Word?  
 3. An 8 1/2 by 11 hard copy of the Notice and the complete text of the rule changes?