

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE PETITION FILED )  
BY THE IDAHO COMMUNITY ACTION ) IPUC CASE NO. RUL-U-04-2  
NETWORK (ICAN) TO AMEND THE ) APA DOCKET NO. 31-2101-0402  
COMMISSION'S UTILITY CUSTOMER )  
RELATIONS RULES, IDAPA 31.21.01. ) NOTICE OF PETITION  
)  
) NOTICE OF NEGOTIATED  
) RULEMAKING  
)  
) NOTICE OF PUBLIC  
) WORKSHOPS  
)  
) ORDER NO. 29573**

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On July 22, 2004, the Idaho Community Action Network (ICAN) filed a "Petition for Rule Change." More specifically, ICAN proposes changes to six existing rules and the adoption of one new rule, all found in the Commission's Utility Customer Relations Rules, IDAPA 31.21.01. In response to ICAN's Petition, the Commission initiates this negotiated rulemaking so that interested persons can discuss the merits of the proposed changes and determine whether there is consensus on the proposed changes or alternatives to the proposed changes.

**BACKGROUND**

ICAN states in its Application that it is a statewide, grassroots organization dedicated to social, racial and economic justice for all Idahoans. ICAN notes that its members have experienced increasing difficulties in maintaining utility services. "As utility rates rise, our [members'] incomes and the low-income energy assistance funds available to [our members] 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." Petition at 1. ICAN states that this experience has convinced its members that the Utility Customer Relations Rules need strengthening to "protect vulnerable low-income families from [service] shutoffs." *Id.*

NOTICE OF PETITION  
NOTICE OF NEGOTIATED RULEMAKING  
NOTICE OF PUBLIC WORKSHOPS  
ORDER NO. 29573

## NOTICE OF PETITION

ICAN petitions the Commission to amend six rules and adopt a new rule. For purposes of this Notice, the Commission will set out the current utility customer rule with the ICAN proposed changes shown in legislative “strikeout” or “underline” format. Strikeout denotes text proposed for deletion and underline denotes added text. Proceeding each rule will be a brief explanation why ICAN propose the change(s) in each rule. The Commission encourages interested persons to review ICAN’s Petition which sets out in greater detail the reasons for the proposed changes and its supporting facts. As explained later in this Order, ICAN’s Petition may be reviewed on the Commission’s website or by visiting the Commission’s offices.

### **1. Rule 306—Termination of Residential Gas and Electric Service—Winter Payment Plan (the Winter Moratorium).**

ICAN proposes several changes to Rule 306 to expand the customer protection afforded by this rule, commonly referred to as the “winter moratorium.” During the months of December, January and February, utilities are generally prohibited from terminating natural gas and electric service for residential customers whose households contain children, the elderly, or the infirm. IDAPA 31.21.01.306. ICAN proposes to extend the existing three-month moratorium period to five months by adding the months of November and March. See Rule 306.01 below. ICAN claims that of the 35 states with date-based winter moratoriums, Idaho and West Virginia have the shortest moratorium periods. ICAN reports that 12 states have November-March moratoriums, 26 states include all or part of November, and 30 states include all or part of March. Petition at 1. ICAN maintains that Idaho winters last longer than just three months. It referred to an exhibit in the recent Idaho Power rate case that purports to show that winter electricity usage in the Idaho Power service territory increases starting in November and continues through April. *Id.* at 3.

Second, ICAN proposes to modify Rule 306 to require that gas or electric utilities must connect or reconnect service during the moratorium to eligible customers requesting connection at a residence where service is not currently provided. Finally, ICAN proposes to

modify the existing rule regarding successive participation in the winter payment plan (see 306.06 below). The proposed ICAN changes are set out below.<sup>1</sup>

**RULE 306.**

**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 shall 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 shall 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 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 persons sixty-two (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~~

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<sup>1</sup> The ICAN proposals have been edited in places to maintain consistency with rulemaking punctuation as required by the Office of Administrative Rules.

~~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 (1) 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 seventy five dollars (\$75) or the customer's utility bill for the previous thirty (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)

~~**076. 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 when that customer moves to a new residence that does not currently have service.~~ (7-1-93)(\_\_\_\_)

## 2. Rule 304. Requirements for Notice to Customers Before Termination of Service.

ICAN proposes two changes to the Commission's Rule 304 dealing with a utility's initial and final notices of service termination. First, ICAN proposes to amend Rule 304.01 to double the number of days (from 7 days to 14 days) between the date the customer is served with the initial notice of disconnection and the actual date of disconnection. Second, ICAN proposes to change Rule 304.02 that requires the utility to diligently attempt to contact the affected customer either in person or by telephone at least 24 hours before the proposed date of service termination. ICAN proposes that there be at least two documented attempts to contact the affected customer at different periods of the day.

### **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~~ fourteen (~~7~~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 (2) 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)

### 3. Rule 305 — Contents of Notice of Intent to Terminate Service.

In its Application, ICAN proposes several changes to Commission Rule 305 that prescribes the information that must be contained in a utility's initial or final notice of service termination. ICAN proposes that the termination notice include information on the winter moratorium (Rule 306) and that it contain the specific date and time that service will be disconnected (see Rule 305.08 below). ICAN also proposes to add a new subsection .07 to Rule 305 that requires all disconnection notices to contain an explicit warning and that the termination notices be published in English, Arabic, Farsi, Russian, Serbo-Croatian, Spanish, and any other language requested by at least 20 customers (see proposed new Rule 702.02).

#### **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); and (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 non-utility 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 languages required by the Commission under Rule 702: ( )

IMPORTANT NOTICE: Your electric [or gas] 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. Rule 308 — Serious Illness or Medical Emergency.**

The Commission's Rule 308 currently provides that a utility shall postpone termination of residential utility service for 30 days upon receipt of a medical certificate stating that disconnection would adversely affect the health of a person residing in that subject household. IDAPA 31.21.01.308. ICAN proposes that this rule be modified to suspend or postpone the disconnection of service for a period depending upon the medical condition for a period not to exceed six months. If the medical condition is a chronic illness, then the postponement may extend up to 12 months. See Rule 308.01 below. ICAN recommends that at least 15 days before the certificate is to expire, the utility give the customer written notice of the pending expiration. It also suggests that the postponement of termination may continue "as long as the health endangerment continues." Petition at 7; Rule 308.03 below.

**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~~ 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 (6) months without renewal for certificates not specifying chronic illnesses and no longer than twelve (12) 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. Renewal of Medical Certificate.** The utility may postpone termination of service upon receipt of a second certificate stating that the serious illness or medical emergency still exists. At least fifteen (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)

**5. Rule 311 — Restrictions on Termination of Service -- Opportunity to Avoid Termination of Service.**

The Commission's existing Rule 311.01 prohibits the termination of service on a Saturday, Sunday, legal holiday or after 2 p.m. on any Friday or any day immediately preceding any legal holiday. IDAPA 31.21.01.311.01. ICAN proposes that this rule be amended to prohibit disconnection on any weekend, Friday or on any day preceding a legal holiday.

**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 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)

## **6. Rule 701 — Summary of Rules.**

Rule 701 provides that each utility make available to its customers an annual summary of the Commission's Customer Relations Rules. IDAPA 31.21.01.701. ICAN proposes that Rule 701 be modified to provide that the annual summary be posted in the utility's local office(s) in both English and Spanish. The annual summary must also be made available in Arabic, Farsi, Russian, Serbo-Croatian, Spanish and any other language requested by at least 20 customers. See proposed Rule 702.02. It further suggests that the annual summary advise customers about: (1) winter moratorium; (2) medical certificates; (3) how to lodge a complaint with the utility; and (4) how to file a complaint with the Commission.

### **RULE 701.**

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 70[2] 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, how to complain to the Commission, and 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)(\_\_\_\_\_)

**7. New Rule 702 — Multilingual Notices.**

Finally, ICAN proposes that the Commission promulgate a new Rule 702 requiring utilities to provide the annual summary of the customer rules and termination notices in the five foreign languages identified above. This rule would also require that if 20 customers request notices or summaries in a language other than the five foreign languages identified above, then utilities shall be required to make such additional foreign language notices available. The proposed rule would require utilities to ascertain whether customers would like to receive notices or summaries in a language other than English. ICAN's proposed Rule 702 is set out below.

**702. MULTILINGUAL NOTICES (RULE 702).**

**01. Translation.** Each utility shall translate the following documents into Arabic, Farsi, Russian, Serbo-Croatian, and Spanish 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. ( )

**02. Language.** 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] 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 twenty (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.<sup>2</sup> ( )

### NOTICE OF NEGOTIATED RULEMAKING

YOU ARE HEREBY NOTIFIED that pursuant to *Idaho Code* § 67-5220(2), the Commission finds that it is reasonable and appropriate to initiate informal negotiated rulemaking to examine the proposed changes contained in ICAN's Petition. Negotiated Rulemaking is an informal process where interested persons examine the advantages and disadvantages of proposed changes and seek consensus on the content of the proposed changes. Without addressing the merits of the proposals, the Commission recognizes that the proposed changes are significant and substantial. Negotiated rulemaking will provide interested persons with an opportunity to exchange views and develop a record for our subsequent review. Because ICAN has proposed specific textual changes to our Utility Customer Relations Rules, we find that the recommended changes set out above shall serve as the starting point for the informal negotiations. The Commission further finds that it is reasonable to conduct this negotiated rulemaking by convening two informal public workshops. Additional workshops may be scheduled at a later date. The Commission anticipates that it will solicit public comments after the completion of the workshops.

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<sup>2</sup> Telecommunications corporations are not subject to the Utility Customer Relations Rules but are subject to the Telephone Customer Relations Rules, IDAPA 31.41.01.

YOU ARE FURTHER NOTIFIED that ICAN's Petition is available for public inspection during regular business hours at the Commission's office located at 472 West Washington Street, Boise, Idaho. The ICAN Petition may also be viewed electronically at the Commission's website at [www.puc.state.id.us](http://www.puc.state.id.us) by clicking on "File Room," then "Multi-Utility Cases" and then "RUL-U-04-02 ICAN Proposed Rule Change."

#### **NOTICE OF DEADLINE INTERVENTION**

YOU ARE FURTHER NOTIFIED that to assist the Commission in this negotiated rulemaking, persons desiring to intervene as an official party and to represent groups or other entities must file a petition to intervene with the Commission pursuant to Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and -.073 **no later than September 21, 2004**. Persons desiring to participate at the informal public workshops on their own behalf or to simply submit comments do not need to file a petition to intervene.

YOU ARE FURTHER NOTIFIED that for the purpose of processing this case, ICAN and the Commission's water, natural gas and electric utilities shall be granted party status in this case. No later than September 21, 2004, the utilities shall notify the Commission Secretary in writing of the names and addresses of their representatives for purpose of service. Each utility shall designate no more than two representatives. IDAPA 31.01.01.041.02. The Commission Secretary will subsequently issue a Notice of Parties in this case.

#### **NOTICE OF PUBLIC WORKSHOPS**

YOU ARE FURTHER NOTIFIED that the Commission intends to convene two informal public workshops. The purpose of the informal public workshops is to facilitate negotiated rulemaking in which all interested parties seek consensus on the proposed rule changes. The first public workshop is scheduled for **THURSDAY, OCTOBER 21, 2004, CONVENING AT 9:00 A.M. MST AT THE COMMISSION'S HEARING ROOM, 472 WEST WASHINGTON STREET, BOISE, IDAHO (208) 334-0300.**

The second public workshop is scheduled for **TUESDAY, OCTOBER 26, 2004 AT 9:00 A.M. PST AT THE KOOTENAI COUNTY ADMINISTRATIVE BUILDING, ROOM 1B, 451 GOVERNMENT WAY, COEUR D'ALENE, IDAHO.** For each proposed rule change, workshop participants may discuss the reasons for the proposed changes, the advantages

and disadvantages of the change, and alternatives to the proposed changes. Any person desiring to participate in this negotiated rulemaking may attend either of the two public workshops set out above.

YOU ARE FURTHER NOTIFIED that all public workshops will be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act (ADA). Persons needing the help of a sign language interpreter or other assistance in order to participate in or to understand the division at the public workshops may ask the Commission to provide a sign language interpreter or other assistance at the workshop. The request for assistance must be received at least five (5) working days before the workshop by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
(208) 334-0338 (Telephone)  
(208) 334-3762 (FAX)  
E-Mail: [secretary@puc.state.id.us](mailto:secretary@puc.state.id.us)

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.* The Commission has jurisdiction over this matter pursuant to Title 61 of the Idaho Code and more specifically *Idaho Code* §§ 61-302, 61-303, 61-307, 61-503, 61-507, and 61-515.

#### **ORDER**

IT IS HEREBY ORDERED that the Idaho Community Action Network's Petition for Rule Change be processed as a negotiated rulemaking. As set out above, the Commission invites interested persons to participate at either of the two informal public workshops. Additional workshops may be scheduled at a later date. The Commission anticipates that it will invite public comments at the completion of the workshops.

IT IS FURTHER ORDERED that all petitions to formally intervene in this matter be filed with the Commission Secretary no later than September 21, 2004. Utilities shall file their list of representatives no later than September 21, 2004.

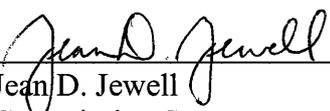
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26<sup>th</sup>  
day of August 2004.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

Commissioner Hansen Dissents Without Opinion  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

vld/O:31-2101-0402\_dh

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