

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 - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Commission and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Commission has adopted a pending rule. The action is authorized pursuant to Sections 61-302, 61-303, 61-307, 61-503, 61-507, and 61-515, Idaho Code.

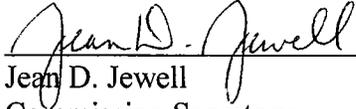
DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The Commission is adopting the proposed changes to Rules 311, 701, and some portions of Rule 306 as pending rules. The complete text of these three (3) Rules was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 558-562.

Based upon comments received, the Commission clarifies the proposed change to Rule 305.02 as applying to residential customers only. The Commission decided not to change Rule 306 to expand the winter moratorium eligibility to include residential customers receiving Low Income Heating Assistance Program (LIHEAP) benefits. The Commission found that expanding moratorium eligibility to include LIHEAP recipients would significantly alter the moratorium's focus on public health and safety and might result in larger unpaid balances for customers as well as larger utility uncollectibles. The Commission also declined to adopt the proposed change to Rule 306.06 to eliminate the current monetary restrictions on when a customer may participate in a winter payment plan. The Commission clarifies that Rule 306.06 applies to residential customers. The text of pending Rules 305 and 306, which have been amended in accordance with Section 67-5227, Idaho Code, is printed in this bulletin.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Beverly Barker, at (208) 334-0302.

DATED this 9th day of November 2005.

A handwritten signature in cursive script that reads "Jean D. Jewell". The signature is written in black ink and is positioned above a horizontal line.

Jean D. Jewell

Commission Secretary

Idaho Public Utilities Commission

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IDAPA 31
TITLE 21
CHAPTER 01

**31.21.01 - CUSTOMER RELATIONS RULES FOR GAS,
ELECTRIC AND WATER PUBLIC UTILITIES REGULATED
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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 to residential customers 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 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. (7-1-93)

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

a. "Children" ~~are defined as~~ means 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, ~~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 residential customer who participates in a Winter Payment Plan one (1) year ~~must~~ shall 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)()

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. ()