

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER HANSEN  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE**

**FROM: BEVERLY BARKER**

**DATE: AUGUST 12, 2005**

**RE: PETITION FILED BY THE IDAHO COMMUNITY ACTION AGENCY  
TO AMEND THE COMMISSION'S UTILITY CUSTOMER RELATIONS  
RULES, IDAPA 31.21.01 - CASE NO. RUL-U-04-2**

### BACKGROUND

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 issued Order No. 29573 on August 26, 2004, to initiate a negotiated rulemaking so that interested persons would have the opportunity to discuss the merits of the proposed changes and determine whether there is consensus on the proposed changes or alternatives to the proposed changes. Public workshops were held in Boise and Coeur d'Alene on October 21 and 26, 2004, respectively. Among those in attendance at the workshops were representatives of Avista, Idaho Power, Intermountain Gas, PacifiCorp, 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 as well as members and staff of ICAN. Although regulated water utilities would be affected by several of the proposed rule changes, no water utility representatives attended the workshops.

In addition to the workshops, representatives of Avista, Idaho Power, Intermountain Gas, PacifiCorp, Commission Staff, CAPAI and ICAN met several times to identify "Best Practices" for energy utilities with respect to the Moratorium. The informal discussions allowed participants to share information and perspectives while exploring how to create more uniform

and customer-focused utility practices. The Moratorium Best Practices Guidelines, which are not part of these draft rules, are now being finalized. When completed, the resulting guidelines will provide a framework for utilities to use in developing more detailed policies and practices.

## **THE ICAN PETITION**

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.*

ICAN petitions the Commission to amend six existing rules and adopt a new rule. This memo provides a brief explanation of why ICAN is proposing the change(s) in each rule, a summary of workshop discussions, and Staff’s recommendation to accept, amend, or deny the proposed change(s). Attachment A shows the current utility customer rule with ICAN’s proposed changes shown in legislative “strikeout” or “underline” format. (Strikeout denotes text proposed for deletion and underline denotes added text.) The ICAN proposals have been edited in places to maintain consistency with rulemaking punctuation as required by the Office of Administrative Rules. Attachment B shows Staff’s proposed changes to the current rules.

## **STAFF RECOMMENDATION**

Staff recommends that the Commission amend Rules 305, 306, 311, and 701 as more particularly described below. The majority of Staff’s proposed changes are supported by Avista, Idaho Power, Intermountain Gas and PacifiCorp. ICAN expressed support for Staff’s revisions, although it remains committed to advocating its original position before the Commission. Staff does not recommend revising Rule 304 or Rule 308 as proposed by ICAN, nor does Staff recommend adoption of a new Rule 702.

Proposed rules must be submitted to the Office of Administrative Rules no later than August 24, 2005, for inclusion in the October 5<sup>th</sup> Administrative Bulletin. The comment period

will end October 26<sup>th</sup>. The Commission must then decide whether to submit pending rules for review by the Legislature no later than November 16<sup>th</sup>. Because timelines will be short, Staff recommends that a public hearing date be set now if the Commission wishes to receive oral testimony concerning the proposed rules.

## **COMMISSION DECISION**

1. Does the Commission wish to schedule a public hearing(s) regarding its proposed rules?

## **DISCUSSION**

### **Rule 306**

#### **Termination of Residential Gas and Electric Service—Winter Payment Plan (The Winter Moratorium)**

#### **ICAN Proposal**

ICAN proposes several changes to Rule 306 to expand the customer protection afforded by this rule, commonly referred to as the “winter moratorium.” The existing rule generally prohibits utilities from terminating natural gas and electric service for residential customers whose households contain children, the elderly, or the infirm during the months of December, January and February. 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. 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 most 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 applicants 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.

## **Summary of Workshop Discussion**

While not necessarily disagreeing with the proposed expansion of the moratorium protection period, several workshop participants (including all utilities and CAPAI) advocated that customers be required to make monthly payments. Among the options discussed for determining mandatory payment amounts were setting a minimum monthly payment using a fixed dollar amount, requiring payment of a certain percentage of the customer's monthly bill amount, or requiring payment of a fixed percentage of the customer's monthly Level Payment Plan amount, similar to what is now done under a Winter Payment Plan.<sup>1</sup> Not everyone who advocated that customers be required to make monthly payments was in favor of making that a condition of receiving moratorium protection, however. Participants did not identify any alternative incentive or disincentive to induce customers to pay if disconnection was prohibited.

CAPAI suggested that moratorium eligibility be expanded to include customers eligible for LIHEAP benefits, maintaining that adding that option would benefit those low-income customers who are unable to pay but whose households do not have elderly, children or infirm person. There are no income-based eligibility requirements under the current rule.

## **Staff Comments and Recommendation**

*Expanding the moratorium time period.* Staff surveyed other states in order to get a better understanding of winter moratorium programs across the country. Staff discovered that the source material used by ICAN in preparing its Petition contained some incorrect information. In addition, Staff found that there is a great deal of interplay between commissions' rules or policies that apply year round and those that only apply in winter months or under certain weather conditions. For example, Oregon does not have a winter moratorium, but it does have a liberal year-round policy addressing health endangerment. Iowa has a winter moratorium that extends from November 1 to April 1, but it is restricted to those residential customers who are eligible for LIHEAP. Regardless of the time of year, Iowa prohibits disconnection of any residential customers when the temperature is 20 degrees or colder. Washington's winter moratorium runs from November 1 to March 31, but residential customers must pay a minimum of 7% of monthly household income plus one-twelfth of the monthly bill in order to retain service.

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<sup>1</sup> The existing Winter Payment Plan requires a monthly payment during the winter that is 50% of the level pay amount.

Many states require customers who fall into a protected class to establish payment plans; failure to pay as agreed may result in disconnection of service during the moratorium period. Several states with date-based winter moratoriums only prohibit disconnection if temperatures fall below a certain threshold, e.g., 32 degrees, during that period. The vast majority of states have more restrictive requirements than Idaho, either by specifying that temperatures drop below a certain point or limiting eligibility to customers who meet more narrow criteria, such as those who are low-income or elderly.

Staff is not convinced that there is sufficient reason to expand Idaho's moratorium to include November and March as proposed by ICAN. Workshop discussions in this rulemaking proceeding covered essentially the same ground as that covered in a prior proceeding, Case No. GNR-U-02-1. In its Order No. 29165, issued in November 2002, the Commission reaffirmed four goals for its winter moratorium policy:

In 1987, the Commission articulated four goals for its winter moratorium policy: 1) preserve public health and safety by limiting the circumstances under which service may be terminated during winter months; 2) encourage the development of good payment habits by customers; 3) provide relief from impossible financial obligations; and 4) facilitate collection of problem accounts. General Order No. 177. Although nearly 15 years have passed, we believe that these goals are still relevant today.

Order No. 29165 at 8.

The current policy balances the needs of certain vulnerable customers to retain service during the coldest winter months with utilities' need to receive payment in full during each of those months. Adding additional months of protection from disconnection upsets that balance and would, in Staff's opinion, open the door to further discussion about requiring moratorium participants to make mandatory monthly payments, regardless of those customers' personal circumstances. Staff is not convinced that such discussions would lead to better public policy than what we have today.

Simply expanding the moratorium period, as proposed by ICAN, places utilities at greater financial risk. According to data gathered by utilities over the winter of 2002-2003, over 80% of moratorium participants owed a past due amount as of March 1, 2003. This is despite the fact that most customers made at least one payment during the moratorium period. In aggregate,

moratorium customers had a past due balance of over \$3,000,000. The average amount owing per customer ranged from a low of \$167 for Intermountain Gas to a high of \$375 for Avista<sup>2</sup>. The potential for larger arrearages to accumulate over an expanded moratorium period is high. Individual customers would be impacted negatively as well, making it harder for them to pay off larger arrearages and placing them at greater risk of disconnection.

Rather than expand the moratorium to include more months, Staff recommends that the Commission invite comment on whether to expand the eligibility criteria for the moratorium to include customers who receive LIHEAP. As suggested by CAPAI in the workshop discussions, this would allow customers who do not meet the current moratorium eligibility criteria (elderly, children or infirm) but are low-income and facing financial hardship to receive moratorium protection if they so choose. Adding the eligibility criteria would also encourage eligible customers to apply for LIHEAP and receive the benefits to which they are entitled.

According to data gathered by the utilities, 20,777 customers had LIHEAP benefits applied to their accounts during the 2002/2003 heating season. This represents 3% of total residential energy customers. Of those 20,777 customers, only 20% (4,094) declared eligibility for the moratorium. According to CAPAI, 29,867 households received LIHEAP benefits during the 2002/2003 heating season. Eighty percent (23,737) of the households had members who were elderly, handicapped, or children 5 or younger. It is probably reasonable to assume that the majority of LIHEAP recipients would be covered under the existing eligibility criteria for the moratorium. However, there are some LIHEAP recipients, including handicapped adults and low income wage earners (also known as "the working poor") who are unable to keep up with their winter heating bills but do not qualify for moratorium protection under the current rule.

Staff recognizes that adding LIHEAP to the eligibility criteria would alter the underlying logic of the moratorium, adding an income-based test to the existing public health and safety criteria. Staff notes that the idea of adding LIHEAP was discussed only briefly during the workshops. In subsequent discussions, utilities have expressed concerns about straying from the historic rationale for the moratorium as well as the potential financial impact on both customers and utilities of allowing more customers to receive protection from disconnection. Staff's intent in making this proposal is to provide interested parties with the opportunity to comment formally on this important issue.

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<sup>2</sup> Avista provides both electric and gas service to residential customers.

*Modifications to Winter Payment Plan.* ICAN's proposed modifications to Rule 306.03 are unnecessary. Once an applicant has been accepted for service by a utility, he or she becomes a customer. If the customer meets the eligibility criteria (declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons), he or she can establish a Winter Payment Plan. Therefore, there is no need to amend the rule to offer applicants the opportunity to sign up for the Winter Payment Plan. The remaining changes to Rule 306.03 are related to ICAN's proposal to expand the moratorium to include November and March. Since Staff does not support adding the two months, it recommends against making these changes as well.

Staff does not support elimination of Rule 306.06 as proposed by ICAN. Staff does not know how many of the relatively few customers who sign up for the Winter Payment Plan choose to sign up in succeeding years. Staff notes that less than 200 customers were on the Winter Payment Plan during the winter of 2002-2003; only 54 customers paid as agreed. Staff suspects that the existing requirement - that the balance owing as of November 1 does not exceed \$75 or the amount of the customer's previous monthly billing, whichever is greater - comes into play rarely, if ever.

During the "Best Practices" discussions, utilities pledged to make customers who might benefit more aware of payment options, including Level Pay and Winter Pay, as well as make sure that those choosing to participate understand their obligation to pay as agreed. As a result of the utilities' renewed efforts to make customers aware of the Winter Payment Plan, it may be that more customers will take advantage of it in the future. Since the Winter Payment Plan requires customers to make regular monthly payments throughout the moratorium period - encouraging them to pay rather than not pay - customers should not be prevented from participating in succeeding years if the customer honored his or her previous payment agreement. Staff recommends revision of Rule 306 to eliminate the restriction on participation in succeeding years. ICAN, Avista, Idaho Power, and PacifiCorp supports Staff's proposed revision; Intermountain Gas does not.

*Customers and applicants who move.* ICAN proposes to change Rule 306.01, 306.06, and 306.07 so that gas or electric utilities will be required to provide service to any existing customer who moves to a new address or applicant who requests service during the moratorium period and declares eligibility for the moratorium. Past credit history or unpaid bills could not be

taken into consideration, and service that had been physically disconnected would have to be reconnected. Staff agrees in part with ICAN's suggestion regarding customers and applicants who move to a different location during the moratorium period.

In the "Best Practices" discussions, utilities indicated that they were willing to provide service to a customer who had previously signed up for the moratorium and subsequently moved to another location within the same utility's service territory during the months of December through February, regardless of the customer's payment history or the fact that a balance was owing. In other words, utilities are willing to treat an existing customer's moratorium eligibility status as portable to a new location. The existing Rule 306 allows, but does not require utilities to do this. Staff recommends that Rule 306 be amended to reflect what is now current practice. ICAN, Avista, Idaho Power, Intermountain Gas, and PacifiCorp support Staff's proposal to add a new subsection .08 to Rule 306.

Staff does not support ICAN's proposal that utilities be required to provide service to any applicant<sup>3</sup> during the moratorium period regardless of past payment history or an unpaid bill owing at the time of application for service. However, Staff does support requiring utilities to provide service if the applicant had received service within the past 30 days, declared eligibility for the moratorium, and subsequently moves to a new residence. Adding this provision as 306.09 would provide a narrow exception to the general rule requiring applicants to pay outstanding bills prior to receiving service and would allow both customers and applicants who had been protected by the moratorium prior to moving to retain that protection at a new residence.

If the Staff's proposed Rule 306.09 is not adopted, someone who moves and has a gap in service of 10 days or less (a "customer") will be treated more favorably than someone who moves and has a gap in service of more than 10 days (an "applicant"). Staff's proposal, in essence, gives former customers some additional time to move and reapply for service during the months of December through February without being held to the more stringent credit criteria

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<sup>3</sup> "Applicant" is defined as "any potential customer who applies for service from a utility". A customer who moves from one location to another continues to be considered a customer if he or she had received service from that utility within the past ten (10) calendar days. See Rule 5, UCRR.

that generally applies to applicants. No party has had an opportunity to comment informally on Staff's proposal (in its current form) to add a new subsection .09 to Rule 306.

### **COMMISSION DECISION**

1. Does the Commission wish to adopt as a proposed rule ICAN's revisions to Rule 306?
2. Alternatively, does the Commission wish to adopt Staff's proposed revisions to Rule 306?
3. Does the Commission wish to revise Rule 306 in some other manner?

### **Rule 304**

#### **Requirements for Notice to Customers Before Termination of Service**

#### **ICAN Proposal**

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.

#### **Summary of Workshop Discussion**

ICAN recited instances where customers were not able to respond quickly enough to notification by the utility to avoid disconnection or alleged that they did not receive notification. CAPAI stated that low-income people often postpone payment of bills as long as possible and, out of financial necessity, disregard "early" warnings of disconnection. Although those utilities in attendance were not opposed to mailing initial notices 14 calendar days before the proposed date of termination, as proposed by ICAN, it became apparent during the discussions that ICAN primarily was concerned about final notices rather than initial notices.

Having a final notice in hand affects how a customer seeking financial assistance is treated. CAPAI indicated that customers who have received final notices are given priority in getting an appointment to review an application for LIHEAP benefits; having a final notice is not

required, however, for consideration of eligibility for LIHEAP. Project Share requires applicants to have a final notice in hand before considering whether to provide assistance. Other public and private entities offering help in paying utility bills sometimes impose requirements similar to those of Project Share, forcing affected customers to seek help at the last minute. Customers in that situation face a greater risk of being disconnected, since there is no assurance that they will actually receive assistance.

Everyone agreed that the notification process should provide customers with adequate advance warning that service was scheduled for disconnection. Staff acknowledged that it is in the best interest of utilities and the general body of ratepayers to keep customers "on service". Utilities face challenges in dealing with customers who face imminent disconnection. Intermountain Gas indicated that only 29% of those customers who receive an initial notice either pay or make payment arrangements. Of those who receive a final notice, 81% pay or make arrangements and 19% are unable to avoid disconnection of service. Other utilities echoed the concern that the majority of customers facing disconnection do not pay until late in the collection process.

Utilities objected to ICAN's proposal to prescribe more precisely how final oral notices should be handled, citing difficulty in programming automated dialers and other logistical considerations. Staff agreed with ICAN in principle that a "diligent" attempt to provide oral notice would consist of two or more calls being placed to the affected customer. Staff noted, however, that utilities had indicated in the past that, for a variety of reasons, it is difficult to reach customers by telephone in order to provide the final oral notice required under the current rule.

#### **Staff Comments and Recommendation**

Staff agrees with ICAN that there are problems with the current notification process, but does not recommend adoption of the proposed changes at this time. Enough issues have been raised to merit a more comprehensive review of how to efficiently and effectively provide notice to customers. Rather than continue with a formal rulemaking proceeding to accomplish this, Staff recommends that an informal, collaborative approach be taken to identify best practices and develop new rules. It is Staff's understanding that utilities and ICAN would support this effort.

## **COMMISSION DECISION**

4. Does the Commission wish to adopt as a proposed rule ICAN's revisions to Rule 304?
5. Does the Commission wish to revise Rule 304 in some other manner?

### **Rule 305 Contents of Notice of Intent to Terminate Service**

#### **ICAN Proposal**

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 Rule 305.03 require the termination notice to include information regarding the winter moratorium. 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 when requested by at least 20 customers. Finally, it proposes that the final notice contain the specific date and time that service will be disconnected as a new subsection .08 of Rule 305.

#### **Summary of Workshop Discussion**

Utilities and Staff questioned the need for providing information about the moratorium on customer notices regardless of the time of year. Staff observed that this rule also applies to water utilities, and that customers of water utilities might find it confusing to receive information on the moratorium, which only applies to gas and electric service, on disconnection notices from their water company.

Utilities next maintained that it would be difficult, if not impossible, to include on notices the precise date and time that disconnection of service will take place. Even specifying morning or afternoon time frames would be problematic, interfering with the utility's ability to manage its workforce efficiently or respond to emergencies. ICAN indicated that customers need to know when service was scheduled for disconnection so that they could plan accordingly and hopefully prevent it from happening. For example, a customer could have a check ready to give to the service technician when he or she arrived to disconnect service.

Utilities questioned the need for providing the suggested information in languages other than English on disconnection notices. Utilities generally recognized the need to make some

accommodations for non-English speaking customers, and pointed out current practices such as employing Spanish-speaking customer service representatives, having Spanish-language menu options on utility Call Center interactive voice response systems, and using on-call third-party translation services to communicate with customers via telephone.

### **Staff Comments and Recommendation**

Staff does not support the recommended rule changes to Rule 305. However, Staff proposes that the rule be amended in a different manner than that proposed by ICAN. Requiring utilities to provide information about the moratorium throughout the year is both unnecessary and counter-productive. Unfortunately, customers tend to become de-sensitized to the messages contained on routine notices. Staff prefers to see distinctive, targeted, and timely information provided to customers immediately before and during the moratorium period. Staff proposes that a new subsection .02 be added to Rule 305 to require that disconnection notices issued during the months of November through February by electric and gas utilities either include or be accompanied by information about the winter moratorium and the availability of payment plans, including level pay and the winter payment plan.

Staff agrees with ICAN that customers need to be provided with adequate advance notice of disconnection. However, it would be impractical and inadvisable to require utilities to identify the exact date and time of disconnection. Such a requirement could have the undesirable impact of encouraging customers to put off paying, making payment arrangements, or seeking financial assistance until the last possible minute. Customers who wait to pay at the door immediately prior to disconnection increase both their own costs (there is a fee assessed if an energy utility collects payment at the customer's premises) and general ratepayer costs (the fee does not pay all utility costs associated with a collection visit).

It is certainly important for utilities to accommodate customers who speak languages other than English. Within the context of formal cases before the Commission as well as in informal discussions, Staff has encouraged utilities to identify and address any language barriers that exist within their service territories. However, Staff cannot support the broad foreign language requirement suggested by ICAN.

The 2000 U.S. Census<sup>4</sup> shows that the majority of Idahoans (91%) speak only English at home. Of the 111,879 Idaho residents who speak a language other than English at home, 77% also speak English well or very well. The foreign language most often spoken in Idaho homes is Spanish; almost 7% of the state's population (80,241 people) speak Spanish at home. With the exception of Spanish, relatively few Idaho residents speak the other languages identified by ICAN; 1,113 residents speak Serbo-Croatian, 1,113 speak Russian, and 344 speak Arabic. No information is available on how many residents speak Farsi.

Census data tells us what languages residents speak, but there is no easy way to determine how that translates into the number of households served by regulated utilities. It is unlikely, however, that there is an even distribution of non-English speaking customers throughout the state. According to the 2000 Census, there are more Hispanics living in the counties served by Idaho Power than there are in other regions of the state. Of those counties, several had a relatively high Hispanic population; in particular, 26% of Minidoka County's residents were Hispanic.<sup>5</sup> There is no evidence to suggest that customers who speak a language other than English are particularly at risk of disconnection. Rather than prescribe a uniform requirement focused solely on disconnection notices, the more prudent approach is to examine the special needs of customers within each utilities' service territory and develop a customized solution to whatever problems exist.

#### **COMMISSION DECISION**

6. Does the Commission wish to adopt as a proposed rule ICAN's revisions to Rule 305?
7. Alternatively, does the Commission wish to adopt Staff's proposed revisions to Rule 305?
8. Does the Commission wish to revise Rule 305 in some other manner?

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<sup>4</sup> All data is for persons 5 years of age or older.

<sup>5</sup> The 2000 Census does not provide data on how many persons identified as Hispanic speak Spanish in the home, although it is reasonable to assume that many do.

**Rule 308**  
**Serious Illness or Medical Emergency**

**ICAN Proposal**

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. ICAN proposes that Rule 308.01 be modified to suspend or postpone the disconnection of service for a period depending upon the person's 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. ICAN recommends that at least 15 days before the certificate is to expire, the utility give the customer written notice of the pending expiration in Rule 308.03. It also suggests that the postponement of termination may continue "as long as the health endangerment continues." Petition at 7.

**Summary of Workshop Discussion**

Utilities questioned the need for the proposed changes. In 2003, a combined total of 758 customers presented medical certificates to Avista, Idaho Power, Intermountain Gas and PacifiCorp. Utilities do not collect data on renewal of certificates, so it is unknown how often customers obtained a second certificate following their original 30-day extension. Staff mentioned that, unlike Idaho, other states require partial payment and/or payment arrangements as a pre-condition for obtaining a medical extension. Staff also noted that ICAN's proposed change had the unintended effect of limiting medical certificate renewals to customers of electric and gas utilities.

There was general agreement that the existing rule does not address situations where the customer or member of his or her household has a chronic illness. Utilities stated a preference to continue current practice of addressing payment problems involving customers with chronic health issues on an individual customer basis. In particular, Avista mentioned that its "Cares Representatives" focus on working with customers with special needs.

**Staff Comments and Recommendation**

Staff does not support the suggested changes to Rule 308. Relatively few customers currently obtain medical certificates in order to postpone disconnection of service. Admittedly, the current rule provides only a limited extension of time in which to pay past due bills and does

not specifically address chronic illnesses. Although there may be some merit to exploring the subject of medical certificates further, there is no evidence to suggest that utilities past practices have been unfair or unreasonable.

ICAN's proposed modifications to the rule may have the unintended effect of making it more difficult for customers to obtain medical certificates. Under the proposal, medical professionals would be required to specify the anticipated length of an illness, which might be difficult to predict. Medical professionals may also find such a requirement to be burdensome and possibly an infringement on the customer's right to privacy.<sup>6</sup> Under such circumstances, medical professionals may not provide all of the required information or may refuse to sign certificates.

Staff also questions the need to notify a customer 15 days prior to expiration of his or her certificate as proposed in Rule 308.03. Only customers who failed to pay or make satisfactory payment arrangements would be subject to collection action following the expiration of a medical certificate. Providing notice of certificate expiration is unnecessary for customers who have made payment arrangements, and those who have not will eventually receive a notice of disconnection, which must include information about the medical certificate option.

## **COMMISSION DECISION**

9. Does the Commission wish to adopt as a proposed rule ICAN's revisions to Rule 308?
10. Does the Commission wish to revise Rule 308 in some other manner?

### **Rule 311**

#### **Restrictions on Termination of Service -- Opportunity to Avoid Termination of Service**

##### **ICAN Proposal**

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

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<sup>6</sup> Out of similar concerns, the Commission previously revised Rule 308 to eliminate the requirement that medical professionals identify the nature of the customer's illness or medical condition on medical certificates.

any legal holiday. ICAN proposes that this rule be amended to prohibit disconnection on weekends, Fridays or on any day preceding a legal holiday.

### **Summary of Workshop Discussion**

ICAN reiterated its argument that customers find it difficult to negotiate with utilities or attempt to secure financial assistance to either avoid disconnection or get reconnected on Fridays or days before holidays. Avista, Idaho Power, Intermountain Gas and PacifiCorp indicated that very few, if any, involuntary disconnections are scheduled around the Thanksgiving, Christmas, and New Year's Day holidays. Five other holidays (Martin Luther King Jr. Day/Idaho Human Rights Day, President's Day, Memorial Day, Labor Day, and Columbus Day) occur on Mondays; the current rule already prohibits disconnection on weekends. The combination of current practice and Monday holidays means that prohibiting disconnection on the day before the remaining two holidays (Independence Day and Veteran's Day) is most likely to affect utilities. Although the utilities did not oppose an amendment to preclude disconnection before a holiday, there was little support for prohibiting disconnection on Fridays. PacifiCorp expressed a willingness to not disconnect residential customers on Fridays, but did not want a similar prohibition for business customers. Other utilities were opposed to prohibiting disconnection on Fridays, stating that it would impair their ability to efficiently manage their workforces. Intermountain Gas stated that 12% of all disconnections are done on Fridays, meaning that the proposed rule change would have a significant impact on the utility's operations.

### **Staff Comments and Recommendation**

Staff supports ICAN's proposal to prohibit disconnection on the day before holidays. Disconnection on Fridays is more problematic. Under the current rule, disconnection is allowed between 8 a.m. and 2 p.m. on Fridays. Prior to May 2003, no disconnection was allowed after noon on Fridays. The Commission approved the change from noon to 2 p.m. in response to Intermountain Gas' advocacy that disconnection should be allowed until 4 p.m. on Fridays. See Case No. 31-2101-0201. In light of the Commission's prior decision, Staff is reluctant to support ICAN's proposal to prohibit disconnection on Fridays. However, as a compromise position, Staff recommends that the Commission reconsider its earlier decision and reinstate the noon deadline on Fridays in Rule 311.01. Avista, Idaho Power and PacifiCorp support Staff's proposed amendments. Intermountain Gas supports the change prohibiting disconnection on the day before holidays, but does not support changing the Friday deadline to noon.

## **COMMISSION DECISION**

11. Does the Commission wish to adopt as a proposed rule ICAN's revisions to Rule 311?
12. Alternatively, does the Commission wish to adopt Staff's proposed revisions to Rule 311?
13. Does the Commission wish to revise Rule 311 in some other manner?

### **Rule 701 Summary of Rules**

#### **ICAN Proposal**

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.

#### **Summary of Workshop Discussion**

Utilities questioned the need to provide rule summaries and post notices in local offices in the languages proposed by ICAN. The concerns expressed were similar to those in discussion of Rule 305. Staff noted that Rule 701 currently requires the Commission to provide foreign language summaries upon request. Neither utilities nor Staff recalls having received such a request.

Staff also noted that the new requirements would apply to all regulated gas, electric and water utilities, many of which have a relatively small number of customers. Finally, Staff stated that requiring water utilities to make moratorium information available to their customers would cause confusion.

#### **Staff Comments and Recommendation**

Staff does not support the requirement that local offices post notices in foreign languages. As a result of local office consolidation and centralization of customer service functions undertaken by electric and gas utilities in the past decade, local offices now handle far fewer

face-to-face transactions, making the posting of notices in local offices a less useful means of making information available to customers. With respect to ICAN's proposed language requirements, Staff reiterates the concerns expressed with regard to Rule 305.

Staff supports adding more specificity with respect to what should be contained in rule summaries, but suggests alternative wording to that proposed by ICAN. Within the context of several recent rate cases, Staff has reviewed rule summaries and worked with each utility to address any perceived problems. Staff is developing model rule summaries to provide guidance to utilities, which it will make available upon request. Staff intends to prepare Spanish language translations of the model summaries as well. Staff recommends that the existing rule be revised to recognize that model summaries are available. Finally, Staff recommends that the existing requirement that customers be advised of utilities' willingness to make payment arrangements apply to all utilities rather than be restricted to energy utilities only. ICAN, Avista, Idaho Power, Intermountain Gas, and PacifiCorp supports Staff's proposed revisions.

#### **COMMISSION DECISION**

14. Does the Commission wish to adopt as a proposed rule ICAN's revisions to Rule 701?
15. Alternatively, does the Commission wish to adopt Staff's proposed revisions to Rule 701?
16. Does the Commission wish to revise Rule 701 in some other manner?

#### **New Rule 702 Multilingual Notices**

##### **ICAN Proposal**

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 Spanish, Arabic, Farsi, Russian and Serbo-Croatian. This rule would also require that if 20 customers request notices or summaries in a language other than these five foreign languages, 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.

### **Summary of Workshop Discussion**

The same concerns were expressed with respect to this rule as there were in discussion of Rule 305. Staff noted several inconsistencies in ICAN's proposal. Rule 702.01 refers to "each utility". Rule 702.02 refers to "energy" as well as "large telecommunications" utilities. The Utility Customer Relations Rules do not apply to telecommunications utilities.

### **Staff Comments and Recommendation**

Staff does not recommend approval of this rule for the same reasons given in its comments regarding the proposed changes to Rule 305.

### **COMMISSION DECISION**

17. Does the Commission wish to adopt as a proposed rule ICAN's new Rule 702?

  
Beverly Barker

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**ATTACHMENT A**

**ICAN Proposal**

**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 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;  
of. (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)(\_\_\_\_\_)

**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)

**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. (\_\_\_\_)

**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)

**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)

**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)(\_\_\_\_\_)

**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>1</sup> ( )

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<sup>1</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.

# **ATTACHMENT B**

## **Staff Proposal**

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 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 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 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 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~~ 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., 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 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 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. ( )

**03. Summary for Gas and Electric Customers.** The summary provided by a gas or electric utility also must 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)( )