

## DECISION MEMORANDUM

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

**FROM:** BEVERLY BARKER

**DATE:** NOVEMBER 1, 2005

**RE:** PROPOSED AMENDMENTS TO THE COMMISSION'S UTILITY  
CUSTOMER RELATIONS RULES, IDAPA 31.21.01

On October 5, 2005, the Commission issued proposed rules that were published in the Idaho Administrative Bulletin. The Commission proposed amendments to Rules 305, 306, 311, and 701 (attached). A public hearing concerning the proposed rules was held on October 19, 2005. Comments were due on October 26, 2005. Comments were received from Avista, Idaho Power, Intermountain Gas, the Idaho Community Action Network, the Commission Staff, and members of the general public.

### BACKGROUND

On July 22, 2004, the Idaho Community Action Network (ICAN) filed a "Petition for Rule Change." More specifically, ICAN proposed 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 initiated 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.

Following the workshops, Staff recommended that the Commission propose amendments to Rules 305, 306, 311, and 701. Staff's recommendations differed from the revisions originally

proposed by ICAN. At its Decision Meeting on August 16, 2005, the Commission accepted Staff's recommendation.

## **PUBLIC TESTIMONY AND CUSTOMER COMMENTS**

Public testimony was received from eleven customers on various issues, with most offering personal stories to support their recommendations. In addition, 252 signed form letters were presented to the Commission.

Although everyone who testified supported the proposed rules, at least three people said the Commission's rules needed to be strengthened even more. One person commented about the price and availability of natural gas and expressed concern that at least 100 people in Idaho will not live through the winter.

Three customers testified that the moratorium period should be extended to include the months of November and March because the weather is cold during those two months as well. One expressed concern about water pipes freezing as creating additional difficulties for customers who are disconnected. Another said that customers who get utilities turned off just before the current moratorium may not be able to get it restored for the winter heating season.

Two customers who testified were concerned about existing Rule 308 that prohibits disconnection for a 30-day period if a customer provides the utility with a medical certificate. One stated that 30 days is not enough time to raise the money to pay the bill and proposed extending it to at least 90 days. The other said doctors didn't like to provide medical certificates every 30 days.<sup>1</sup> In its written comments, ICAN urged the Commission to "change the medical certificate exception to allow renewable six or 12 month certificates". Staff notes that the Commission has not proposed to change the rule referred to in these comments.

The Commission received eight written comments in addition to the 252 form letters. The form letters supported the proposed rules. In particular, they supported: (1) adding LIHEAP eligibility to the criteria already contained in the rules; (2) including moratorium information on notices during the heating season; and (3) prohibiting shut-offs the day before a holiday. Other suggestions included adding a warning in Spanish to termination notices,

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<sup>1</sup> Under Rule 308, a utility must accept a medical certificate and provide the customer 30 days in which to pay or make payment arrangements. A second certificate for an additional 30 days may be accepted at the utility's discretion.

prohibiting termination on Fridays, and requiring service to be reconnected during the moratorium period if it is shut off before December 1<sup>st</sup>. Five of those who submitted written comments wanted the winter moratorium extended from November through March; one proposed extending it from October through April. Another commenter stated utilities should not be turned off when there are children in the home.

## **WRITTEN COMMENTS FILED BY INTERESTED PARTIES**

### **Proposed Changes to Rule 306**

#### *A. Adding LIHEAP to Eligibility Criteria*

Under the existing provisions of Rule 306, gas and electric utilities are prohibited from terminating service during the months of December through February to any residential customer who declares that he or she is unable to pay the utility bill in full and there are children, elderly or infirm persons in the customer's household. 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. However, it does not offer any protection to customers who may simply be unable to afford to pay their winter heating bills in full.

The Commission proposed to revise Rule 306 by expanding the eligibility criteria for the moratorium to include residential customers receiving LIHEAP benefits. ICAN, the Commission Staff, and Idaho Power supported adoption of this revision. Avista and Intermountain Gas recommended that this rule not be adopted.

Avista stated that in 2004, only 46% of its LIHEAP customers received their grant during the months of December, January and February. The Company observed that those customers who do not get an appointment with the local community action agency office in order to submit an application "early on in the heating season would be unfairly treated under this new rule as opposed to those customers that receive the first appointments." Commenting on ICAN's original proposal to add two additional months (November and March) to the moratorium, Avista maintains that customers "could find themselves in financial situations that could become difficult, if not impossible to catch up".

Intermountain Gas expressed concern that the proposed rule change "significantly expands the focus of Winter Moratorium away from the health and safety of those with little or no control over their payment status to a much broader program of low-income assistance". It

argued that it does not fulfill the four goals<sup>2</sup> of the Winter Moratorium that the Commission has articulated in the past. The Company also reiterated its support for requiring minimum monthly payments to avoid termination of service.

Idaho Power supported the proposed rule. To clarify the rule, the Company recommends that the reference to “current program year” be defined as the months of November through February.

ICAN supported the rule as proposed but expressed disappointment that it does not include the addition of November and March to the moratorium period. ICAN also noted that undocumented immigrants are not eligible for LIHEAP benefits.

Staff supported the proposed rule, noting that escalating energy prices are taking a bigger bite out of household budgets and that low income customers are hit the hardest by price increases. Staff indicated that for this winter, the maximum LIHEAP benefit amount has decreased by over \$150 compared to the previous heating season. Staff maintained that although the vast majority of LIHEAP recipients in Idaho would be covered under the existing eligibility criteria for the moratorium, 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 believed that the proposed rule is consistent with the Commission’s stated goals for the moratorium and will not significantly impact utility bad debt or place an unreasonable burden on affected utilities.

Staff disagreed with Idaho Power’s proposal that a definition of “current program year” be included in Rule 306. The proposed rule adds to the eligibility criteria residential customers who receive “financial assistance through the Low Income Home Energy Assistance Program (LIHEAP) during the current program year”. The Department of Health and Welfare determines when the program will start and end each year. It does not necessarily coincide with the months covered under the moratorium or the Winter Payment Plan. Staff does not think it necessary to

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<sup>2</sup> 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.

include a definition of “current program year” in this rule, especially since it is beyond the control of either the Commission or the utilities to determine what months should be included.

## **COMMISSION DECISION**

- 1. Does the Commission wish to adopt Rule 306.01 and 306.03 as proposed?**
- 2. Should Rule 306.01 be modified to include a definition of “current program year” as proposed by Idaho Power?**

### *B. Modifications to Winter Payment Plan*

Idaho Power, Avista, and the Commission Staff support the revised rule, which eliminates monetary restrictions on when a customer can participate in a Winter Payment Plan. (Under the Winter Payment Plan, a customer pays one half of the regular Level Pay Plan amount.) Rule 306.03 currently restricts participation in succeeding years to those customers with a balance owing as of November 1 that does not exceed \$75 or the amount of the customer’s previous monthly billing, whichever is greater.

Intermountain Gas opposed this change, stating “any balance carried into this Plan would simply compound the customer’s financial obligation due at the end of the Plan year”. The Company also maintained “a space-heating only RS-1 customer could conceivably participate year after year without ever being required to bring their account current”.

## **COMMISSION DECISION**

- 1. Does the Commission wish to adopt Rule 306.06 as proposed?**

### *C. Customers and applicants who move*

ICAN and the Commission Staff support the proposal to require utilities to provide service to customers and applicants who move to a different location during the moratorium period. Avista, Idaho Power and Intermountain Gas support changes to Rule 306.08 to require energy utilities 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. However, Avista, Idaho Power and Intermountain

Gas do not support the requirement contained in Rule 306.09 that energy utilities, under certain conditions, provide service to an 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.

Idaho Power referred to the definitions of “customer” and “applicant” contained in the current rules and stated “it is important to preserve the clear distinction that currently exists between a customer and an applicant”. It indicated that it was neither necessary or prudent “to create a new rule that extends to applicants a guarantee of service, regardless of any outstanding balance owed, for up to 20 days beyond the expiration of customer status.” Comments submitted by Avista and Intermountain Gas echoed these concerns.

ICAN noted, “it would be terrible for a family to be stuck in a bad or dangerous housing situation because it was the only way to keep the heat on”. It also advocated that utilities should be required to connect service to moratorium eligible families who had been disconnected before the beginning of the moratorium (December 1).

Staff maintained that Rule 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”. Staff argued that failure to adopt Rule 306.09 as proposed would mean that “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 but less than one month (an “applicant”)”.

## **COMMISSION DECISION**

### **1. Does the Commission wish to adopt Rule 306.07, 306.08, and 306.09 as proposed?**

#### **Proposed Changes to Rule 305**

##### *A. Information about moratorium and payment plans on termination notices*

Avista, ICAN, and the Commission Staff support the proposed amendment. As proposed, the rule would require disconnection notices issued during the months of November through February by electric and gas utilities to either include or be accompanied by information

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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

about the winter moratorium and the availability of payment plans, including level pay and the winter payment plan. Idaho Power supported the revised rule, but suggested that the rule be further revised to specify that the information needs to be provided to residential customers only. Staff agrees with Idaho Power's suggestion.

## **COMMISSION DECISION**

- 1. Does the Commission wish to adopt Rule 305.02 as proposed?**
- 2. Does the Commission wish to further amend the proposed rule as proposed by Idaho Power to clarify that information on the moratorium and the Winter Payment Plan only needs to be provided to residential customers?**

### *B. Exact time of disconnection*

The Commission did not propose to amend Rule 305 to require utilities to identify the exact date and time of disconnection. However, ICAN recommended that such a change be made. A customer who testified at the public hearing stated that customers need to know when service was scheduled for disconnection so that they could plan accordingly and hopefully prevent it from happening. In its comments, both Staff and Avista indicated it did not support such a requirement. Staff stated that 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”. Staff also observed that “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)”.

## **COMMISSION DECISION**

- 1. Does the Commission wish to further revise Rule 305 to require utilities to identify the exact date and time of disconnection on disconnection notices?**

### *C. Languages other than English*

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within the past ten (10) calendar days. See UCRR 5.

Although not part of the proposed rule, ICAN urged the Commission to require utilities to include warnings on disconnection notices in languages other than English, noting that Oregon requires such warnings. Several people at the hearing recommended that utilities provide disconnection notices and bills in Spanish and other languages.

Avista indicated that it does not support ICAN's proposal. Staff also opposed adding such a requirement, stating that simply requiring utilities to create separate notices and bills in Spanish<sup>4</sup> or other languages will not resolve the larger issue of accommodating customers who speak languages other than English.

Rather than make additional changes to Rule 305 at this time, Staff recommended that the Commission initiate a separate investigation into how best to address the needs of utility customers who do not speak English. An investigation would include an analysis of what steps have already been taken by utilities, 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.

## **COMMISSION DECISION**

- 1. Does the Commission wish to further amend Rule 305 to require utilities to include warnings on disconnection notices in languages other than English?**
- 2. Alternatively, does the Commission wish to direct Staff to initiate an investigation into how best to address the needs of utility customers who do not speak English?**

### **Proposed Changes to Rule 311**

#### *A. Disconnection on days before holidays*

Avista, Idaho Power, ICAN, and the Commission Staff support the proposal to prohibit disconnection on days before holidays. 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,

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<sup>4</sup> The 2000 U.S. Census 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.

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.

Intermountain Gas opposed this change, stating that IGC staff is available to reconnect service on Friday evenings, weekends, and holidays. The Company also pointed out that "customers have 24-hour access to other sources of funds such as ATMs, credit cards, debit cards, etc."

## **COMMISSION DECISION**

### **1. Does the Commission wish to adopt Rule 311 as proposed to prohibit disconnection on days before holidays?**

#### *B. Disconnection on Fridays*

Under the current rule, disconnection is allowed between 8 a.m. and 2 p.m. on Fridays. The Commission proposed to prohibit disconnection after 12 noon on Fridays. Idaho Power and Avista support this proposal.

ICAN supported the proposal, but urged the Commission to go further and prohibit disconnection all day on Fridays "so that working people do not come home on Friday to a cold house and have to pay the extra fee to connect over the weekend or go cold". At the public hearing, two people testified in favor of prohibiting Friday disconnections, saying it was difficult for customers to negotiate with utilities or attempt to secure financial assistance to either avoid disconnection or get reconnected on Fridays.

Intermountain Gas opposed any change to Rule 311. The Company noted that most banks are open on Saturday morning and that customers have not complained about not being able to get funding until after the weekend. Intermountain indicated that "further restricting the Company's time to perform disconnect work would increase the Monday through Thursday workload". According to the Company, 15% of all disconnections are done on Fridays, with 25% of disconnections scheduled for Fridays being performed between noon and 2 p.m.

At a minimum, Staff supported the Commission's proposed 12 noon deadline for Friday disconnections. Staff noted that all of our neighboring states (Montana, Oregon, Washington, Utah, Nevada, and Wyoming) prohibit disconnection all day on Fridays.

#### **COMMISSION DECISION**

- 1. Does the Commission wish to adopt Rule 311 as proposed to prohibit disconnection after 12 noon on Fridays?**
- 2. Alternatively, does the Commission wish to further amend Rule 311 to prohibit disconnection at any time on Fridays?**

#### **Proposed Change to Rule 701**

Avista, Idaho Power, ICAN, and the Commission Staff supported the proposed revisions to Rule 701. Staff noted that it is developing model rule summaries, including Spanish language translations, in order to provide guidance to utilities. Idaho Power pointed out that it already makes its rule summaries for all customer classes available in Spanish.

#### **COMMISSION DECISION**

- 1. Should the Commission adopt Rule 701 as proposed?**

#### **OTHER ISSUES**

Although the Commission is not proposing to do so at this time, ICAN argued that the Commission should change the process of notifying customers of pending disconnection by revising Rule 304 to require utilities "to send out notices 14 days, rather than 7 days, before shutoffs, and requiring the utilities to make two documented attempts to contact the household by phone or in person". ICAN indicated it would participate in further informal discussions about the notification process, but emphasized that "a rule change, rather than a voluntary agreement that the utilities can walk away from any time, is needed". While not necessarily opposing ICAN's original proposal, Staff previously indicated that a more complete review of utilities' notification procedures was preferable to making piecemeal changes under the current

rulemaking proceeding. Staff agrees with ICAN that, ultimately, another rulemaking will be necessary to address notification procedures.

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Beverly Barker

Technical Staff: Beverly Barker  
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ICAN decision memo Nov 2005

**IDAPA 31  
TITLE 21  
CHAPTER 01**

**31.21.01 - CUSTOMER RELATIONS RULES FOR GAS,  
ELECTRIC AND WATER PUBLIC UTILITIES REGULATED  
BY THE IDAHO PUBLIC UTILITIES COMMISSION  
(THE UTILITY CUSTOMER RELATIONS RULES)**

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

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

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

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

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

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

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

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

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

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

**01. Restrictions on Termination of Service to Certain Households ~~With Children, Elderly, Or Infirm~~.** Except as provided in Rule 303, no gas or electric utility may terminate service or threaten to terminate service during the months of December through February to any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons, or receives financial assistance through the Low Income Home Energy Assistance Program (LIHEAP) during the current program year. (7-1-93)(    )

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

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

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

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

**03. Opportunity to Participate in Winter Payment Plan.** Any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons, or receives financial assistance through the Low Income Home Energy Assistance Program (LIHEAP) during the current program year ~~must~~ shall be offered the opportunity to establish a Winter Payment Plan. However, no customer may be required to establish such a plan. Except as provided in Rule 303, no gas or electric utility may terminate service during the months of November through March to any customer who establishes a Winter Payment Plan before November 1. A customer may establish a Winter Payment Plan after November 1, but the extended protection from termination of service offered under such a plan will not begin until the date the plan is established. Failure of a participating customer to make payments as required will result in cancellation of the plan and elimination of the extended protection from termination of service offered under the plan. The customer may use any source of funds to satisfy the payment requirements of Winter Payment Plan. (7-1-93)(    )

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

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

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

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

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

**07. Unoccupied Residences, Etc. – Failure or Refusal to Apply for Service.** Nothing in this rule prevents a gas or electric utility from terminating service to unoccupied residences or residences where the occupants have failed or refused to apply for utility service. ~~Nothing in this rule requires the utility to connect service for a customer who owes money on an existing account when that customer moves to a new residence that does not currently have service.~~ (7-1-93)(\_\_\_\_)

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

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

(BREAK IN CONTINUITY OF SECTIONS)

### **311. RESTRICTIONS ON TERMINATION OF SERVICE -- OPPORTUNITY TO AVOID TERMINATION OF SERVICE (RULE 311).**

**01. When Termination Not Allowed.** Service shall not be terminated on any Friday after 12 p.m. noon, or on Saturday, Sunday, legal holidays recognized by the State of Idaho, or ~~after 2 p.m.~~ on any day immediately preceding any legal holiday, or at any time when the utility is not open for business, except as authorized by Rules 303.01 and 303.02. Service may be

terminated between the hours of 4 p.m. and 9 p.m., Monday through Thursday, if the utility is unable to gain access to the customer's meter during normal business hours. Unless otherwise authorized by this rule, Rules 303.01 and 303.02, or the affected customer in writing, service may be terminated only between the hours of 8:00 a.m. and 4:00 p.m. (5-3-03)(\_\_\_\_)

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

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

**04. Notice of Procedure for Reconnecting Service.** The employee of the utility designated to terminate service shall give to the customer or leave in a conspicuous location at the service address affected a notice showing, the time of and grounds for termination, steps to be taken to secure reconnection, and the telephone numbers of utility personnel or other authorized representatives who are available to authorize reconnection. (5-3-03)

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

(BREAK IN CONTINUITY OF SECTIONS)

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

**01. Summary to Be Provided to Customers.** Each utility ~~must make available~~ shall provide to its customers a summary of this chapter approved by the Commission. The summary shall be provided to customers at least once each year and must be available at local offices of the utility in Idaho and provided to each new customer upon commencement of service. (\_\_\_\_)

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

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

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

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

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