



# Idaho Community Action Network

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Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 W Washington  
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RUL-0-07-02

IDAHO PUBLIC UTILITIES COMMISSION

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Re: DOCKET NO. 31-2101-0701

The following written comments are made on behalf of the members of the Idaho Community Action Network (ICAN). ICAN petitioned the Commission to make changes to the Customer Relations Rules in 2004, including the change to Rule 311 that the Commission is considering in this docket. Our members participated in extensive talks with Commission Staff and the utility companies about those rule changes.

We believe that consumers have the right to participate in decisions about changes to the customer relations rules. It is unacceptable that the Commission held meetings to discuss these changes with the utility companies this summer, but did not incorporate public hearings into the schedule to allow the public the same opportunity. We have withdrawn our request to hold public hearings at this time, because we understand that holding hearings would prevent the Legislature from considering these rule changes in 2008. We expect that the Commission will consider the need for public hearings in future rulemaking processes.

### Rule 311: Friday Shutoffs

ICAN supports the proposed change to Rule 311. We proposed that the Commission end Friday shutoffs in our 2004 petition and continue to believe that this change is needed. Fees for reconnection on weekends are higher than the fees for reconnection during the business week. Shutting off a family's power on a Friday places them in an impossible situation of having to choose between paying a high reconnection fee, on top of the bill they were unable to pay in the first place, or freezing through an Idaho winter weekend. Oregon, where Idaho Power, Avista, and Utah Power (Pacific Corp) also serve customers, does not allow shutoffs on Fridays.<sup>1</sup> During discussions of the 2004 rules change petition, representatives from the utilities said that their companies already limited the number of shutoffs on Fridays, so ending the practice of Friday shutoffs would not have a huge impact on their ability to do business. Amending the rule to prohibit shutoffs on Fridays will help low-income Idaho utility consumers at no real cost to the utilities.

<sup>1</sup> Oregon Administrative Rules 860-021-0320.

### Rule 300: Written notice through electronic mail.

ICAN opposes the proposed change to Rule 300.04, which would add the section "Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and consents to electronic notification." to the definition of written notice.

ICAN leaders have testified that the mail service in Idaho is slow and that written notices often do not arrive on time, so notification by e-mail, at first glance, seems like a good idea. But ICAN members' experiences with online billing services create some concerns. Some utility company websites do not allow a customer to use the online bill payer option occasionally, or only once. Instead, in order to proceed with a single transaction, the customer is required to "consent" to future online billing by checking a box accompanied by extensive fine print explaining that the customer is giving up the right to written statements and notices.

A customer who uses the online billing option once to save time finds herself locked in, without realizing it, to the electronic billing and notification option. This is a problem because many low-income Idahoans do not have computers or internet access at home and are unable to check email daily or even weekly.

The Commission should not allow utilities to replace written notices with electronic notices. Notices by e-mail may be a good supplementary option for utilities to use to ensure that customers receive written notice, but it should not be the only form of written notice that they send out to a household before turning off their power.

### Other Needed Rule Changes

While eliminating shutoffs on Fridays is a good first step, the proposed changes to the Customer Relations Rules do not go far enough. Idaho utility consumers need more protections from utilities, including:

#### Expanding and Strengthening the Winter Moratorium (Rule 306)

The winter moratorium is the primary protection for vulnerable low-income families. It prevents utility companies from shutting off power for families with children, seniors, and people with illnesses or disabilities between December and February. But Idaho winters are longer than that, with temperatures at or close to freezing around the state from November through April. The Commission should extend the winter moratorium from November through March. Utilities should also be required to connect moratorium-eligible customers during the winter moratorium if their power was shut off before the moratorium began.

#### Strengthening the Medical Certificate (Rule 308)

The Medical Certificate Rule prevents a utility from shutting off a customer's power for 30 days after the customer provides a certificate from a doctor or a public health official saying that someone in the household is seriously ill or has a medical emergency, or that the person will become seriously ill or have a medical emergency if the power goes off. The shutoff can be postponed for 30 more days with another certificate.

This forces low-income customers with health problems to return to their health care provider every month to get a new certification that their health condition has not changed. This makes no sense when the customer has a chronic condition that the provider can certify will not improve, and costs these customers a great deal of time, energy, and money. When a customer has a chronic condition that makes it dangerous for them to risk having their power shut off, the customer should be permitted to submit a medical certificate yearly. When the customer's condition is not chronic but will continue for more than a month, the customer should be permitted to submit one certification from their health care provider explaining how long the customer's condition can be expected to last. This change will benefit customers and their health care providers, and save utilities the red tape involved in monthly updates.

#### Language Access

People who speak languages other than English are an important part, and numerically significant portion, of Idaho's communities, and of the utilities' customers. The U.S. Census Bureau's 2006 American Community Survey finds that 136,755 Idahoans over the age of five, or 10 percent of Idahoans over the age of five, speak a language other than English at home. But the PUC's rules do not recognize the necessity of accommodating these customers with materials in languages other than English. The PUC should amend the customer relations rules to require utilities to translate critical correspondence, including shutoff notices and the summary of the rules, in languages other than English for customers who request them. Additionally, each bill or notice sent out to customers should include a brief statement in Spanish and other common languages spoken in the utility's service area that explains how the customer can contact the utility to obtain a written translation or speak with a customer service representative in a language other than English.

Sincerely,



Rowena Pineda  
Executive Director