

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION**

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

**DOCKET NO. 31-2101-0701**

*RUL-U-07-02*

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

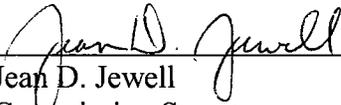
The Commission is adopting the proposed text to Rules 105, 302, and 403 as pending rules. The text of pending Rules 203, 204, 300, 310, 311 and 600 has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this Bulletin. The complete text of all the proposed rules was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 229-235.

Based upon comments received, the Commission has clarified the proposed changes to Rules 203.03 and 204.02.c. to reflect that in some instances a customer underbilled for utility service may be rebilled for a period not to exceed three (3) years. The Commission also clarifies the proposed change to Rule 204.01 based upon filed comments. The Commission also amends the proposed changes to Rules 300.04 and 600.05 to reflect that customers must affirmatively “opt-in” to receiving electronic utility notifications via e-mail. These changes allow customers to choose electronic billing but still receive important service notices in writing. Based upon comments received, the Commission decided to restructure and clarify the proposed changes to Rules 310 and 311. Parts of proposed Rule 311.01 are moved to 310.01. Finally, the Commission deletes the words “denied or” from Rule 311 as suggested in comments.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during fiscal year:  
N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Beverly Barker, Consumer Assistance Supervisor, at (208) 334-0302 or Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 2<sup>nd</sup> day of November 2007.

  
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**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)**

**203. BILLING UNDER INAPPROPRIATE TARIFF SCHEDULE (RULE 203).**

**01. Rebilling Required.** If a customer was billed under an inappropriate tariff schedule, the utility shall recalculate the customer's past billings and correctly calculate future billings based on the appropriate tariff schedule. A customer has been billed under an inappropriate tariff schedule if: (7-1-93)

**a.** The customer was billed under a tariff schedule for which the customer was not eligible; or (7-1-93)

**b.** The customer was billed under a tariff schedule based upon information supplied by the customer but the customer's actual demand is insufficient to meet the minimum eligibility requirements for the selected tariff schedule; or ( )

**bc.** The customer, who is eligible for billing under more than one (1) tariff schedule, was billed under a schedule contrary to the customer's election, or the election was based on erroneous information provided by the utility. (7-1-93)

**02. Exceptions.** The utility shall not be required to adjust billings when it has acted in good faith based upon available information or when the customer was given written notice of options under the tariff schedules and did not make a timely election to exercise available options. (7-1-93)

**03. Rebilling Time Period.** When the customer has been overcharged, the period for which rebilling under this rule is allowed shall be that not exceed three (3) years as provided by Section 61-642, Idaho Code, (three (3) years). When the customer has been undercharged, the period for rebilling shall be limited to six (6) months unless a reasonable person should have known of the inappropriate billing, in which case the rebilling period may be extended for a period not to exceed three (3) years. Utilities shall implement procedures designed to monitor and identify customers who may be billed under an inappropriate tariff schedule. (7-1-93)( )

**04. Refunds and Additional Payments.** The utility shall promptly prepare a corrected billing indicating the refund due the customer or the amount due the utility.

(7-1-93)( )

**a.** A customer who has been underbilled~~ed~~charged shall be given the opportunity to make payment arrangements under Rule 313 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbillingcharge accrued. ( )

**b.** The utility shall promptly calculate refund amounts overpaid by the customer ~~unless the customer consents to a~~ and issue a credit on the customer's next bill. Any remaining credit balance may be credited against future bills, ~~except overbillings not exceeding fifteen dollars (\$15) may be credited to future bills~~ unless the customer, after notice from the utility, requests a refund. The utility shall advise the customer of the option to have any remaining credit balance refunded to the customer. ( )

**204. INACCURATELY BILLED SERVICE UNDER CORRECT TARIFF SCHEDULE – FAILURE TO BILL FOR SERVICE (RULE 204).**

**01. Errors in Preparation -- Malfunctions -- Failure to Bill.** Whenever the billing for utility service was not accurately determined because for reasons such as a meter malfunctioned or failed, bills were estimated, metering equipment was incorrectly installed or programmed or bills were inaccurately prepared, the utility shall prepare a corrected billing. If the utility has failed to bill a customer for service, the utility shall prepare a bill for the period during which no bill was provided. (7-1-93)( )

**02. ~~Corrections~~ Rebilling Time Period.** ( )

**a.** If the time when the malfunction or error began or the time when the utility began to fail to bill for service cannot be reasonably determined to have occurred within a specific billing period, the corrected billings shall not exceed the most recent six (6) months before the discovery of the malfunction, ~~or~~ error, or failure to bill. ( )

**b.** If the time when the malfunction, ~~or~~ error, or failure to bill began can be reasonably determined and the utility determines the customer was overcharged, the corrected billings shall go back to that time, but not to exceed three (3) years from the time the error or malfunction occurred as provided by Section 61-642, Idaho Code, ~~(three (3) years)~~. (7-1-93)( )

c. If the time when the malfunction or error can be reasonably determined and the utility determines the customer was undercharged, the utility may rebill for a period of six (6) months unless a reasonable person should have known of the inaccurate billing, in which case the rebilling may be extended for a period not to exceed three (3) years. Utilities shall implement procedures designed to monitor and identify customers who have not been billed or who have been inaccurately billed. ( )

~~**03. Refunds and Additional Payments.** The utility shall promptly prepare a corrected billing indicating the refund due to the customer or the amount due the utility. A customer who has been underbilled or who has not been billed shall be given the opportunity to make payment arrangements under Rule 313 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued or the customer was not billed. The utility shall promptly refund amounts overpaid by the customer unless the customer consents to a and issue a credit on the customer's next bill. Any remaining credit balance shall be credited against future bills, except overbillings not exceeding fifteen dollars (\$15) may be credited to future bills unless the customer after notice from the utility requests a refund. The utility shall advise the customer of the option to have any remaining credit balance refunded to the customer. (7-1-93)( ).~~

**04. Additional Payments.** The utility shall promptly prepare a corrected billing for a customer who has been undercharged indicating the amount owed to the utility. An unbilled or undercharged customer shall be given the opportunity to make payment arrangements under Rule 313 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued or the customer was not billed. ( )

(BREAK IN CONTINUITY OF SECTIONS)

**300. FURTHER DEFINITIONS (RULE 300).**

As used in Rules 301 through 313:

(7-1-93)

**01. Applicant.** "Applicant" is restricted from its general definition to refer only to applicants for residential or small commercial service, unless further restricted by the rule.

(7-1-93)

**02. Customer.** "Customer" is restricted from its general definition to refer only to residential or small commercial customers, unless further restricted by the rule. (7-1-93)

**03. Non-Utility Service.** "Non-utility service" means: (7-1-93)

a. Service for which the Commission does not regulate rates, charges, or availability of service; (7-1-93)

b. Service for which no rate or charge is contained in the utility's tariffs; or (7-1-93)

c. Merchandise or equipment or charges for merchandise or equipment not required as a condition of receiving utility service. (7-1-93)

**04. Written Notice.** "Written notice" of the utility's intent to deny or terminate service may be mailed or otherwise delivered to the applicant, resident, occupant or customer. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to "opt-in" to receiving electronic notification.

( )

(BREAK IN CONTINUITY OF SECTIONS)

**310. INSUFFICIENT GROUNDS FOR TERMINATION OR DENIAL OF SERVICE (RULE 310).**

**01. Termination of Service.** No customer shall be given notice of termination of service nor shall the customer's service be terminated if: (7-1-93)( )

~~**01a. Unpaid Bill Less Than Fifty Dollars.**~~ The customer's unpaid bill cited as grounds for termination totals less than fifty dollars (\$50) or two (2) months' charges for service, whichever is less. (7-1-93)( )

~~**02b. Unpaid Bill Not Customer's.**~~ The unpaid bill cited as grounds for termination is for utility service to any other customer (unless that customer has a legal obligation to pay the other customer's bill) or for any other class of service. (7-1-93)( )

~~**03c. Non-Utility Service or Goods.**~~ An The unpaid bill results from the purchase of non-utility goods or services. (7-1-93)( )

**d.** The unpaid bill is for service provided four (4) or more years ago unless the customer or applicant has promised in writing to pay or made a payment on the bill within the last four (4) years. ( )

e. The customer fails to pay amounts in dispute while a complaint filed pursuant to Rule 402 is pending before this Commission. ( )

f. A case placing at issue payment of disputed amounts for utility service is pending before a court in the state of Idaho unless authorized by court order. ( )

**02. Denial of Service.** No applicant shall be given notice of denial nor shall the applicant be denied service if any of the criteria listed in Subsection 310.01.b. through 310.01.f. apply to the unpaid bill cited as grounds for denial of service. ( )

**311. RESTRICTIONS ON TERMINATION OF SERVICE TIMES WHEN SERVICE MAY BE TERMINATED -- OPPORTUNITY TO AVOID TERMINATION OF SERVICE (RULE 311).**

**01. When Termination ~~Not Allowed~~ of Service Is Prohibited.** Except as authorized by Rule 303 or this rule, service provided to a customer, applicant, resident or occupant shall not be terminated: ( )

a. On any Friday, after 12 noon, or on Saturday, Sunday, legal holidays recognized by the State of Idaho, or on any day immediately preceding any legal holiday; ( )

b. or aAt any time when the utility is not open for business, except as authorized by Rules 303.01 and 303.02. ( )

**02. Times When Service May Be Terminated.** Service may be terminated: ( )

a. At any time when there is a dangerous condition pursuant to Rule 303.01 or the utility is ordered to do so pursuant to Rule 303.02; ( )

b. Between the hours of 8 a.m. and 5 p.m., Monday through Thursday, for any reason authorized by Rules 302 and 303; ( )

c. Between the hours of 8 a.m. and 5 p.m. on Friday for illegal use of service pursuant to Rule 303.03 or if the premises are unoccupied and service has been abandoned; or ( )

d. Between the hours of 4:5 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 or for illegal use of service pursuant to Rule 303.03. 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. (4-11-06)( )

**023. 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 is requested.~~ (5-3-03)( )

**034. 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)( )

**045. Notice of Procedure for Reconnecting Service.** The utility employee ~~of the utility~~ designated to terminate service shall give to the customer or leave in a conspicuous location at the affected 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)

**06. Customer Requested Termination.** Nothing in this rule prohibits a utility from terminating service at any time pursuant to a customer's request. ( )

(BREAK IN CONTINUITY OF SECTIONS)

**600. DEFINITIONS (RULE 600).**

As used in Rules 601 through 605. (7-1-93)

**01. Advance Payment.** “Advance payment” means a payment made prior to receiving service that will be credited to the customer’s account at a later date. (7-1-93)

**02. Applicant.** “Applicant” means an applicant for industrial, large commercial or irrigation service. (7-1-93)

**03. Customer.** “Customer” means an industrial, large commercial or irrigation customer, unless further restricted by the rule. The Commission will maintain on file a list of which customer classes of a given utility are industrial, large commercial, and irrigation. (7-1-93)

**04. Deposit.** “Deposit” means any payment held as security for future payment or performance that is reimbursable. (7-1-93)

**05. Written Notice.** “Written notice” of the utility’s intent to deny or terminate service may be mailed or otherwise delivered to the applicant, occupant or customer. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to “opt-in” to receiving electronic notification. ( )