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RUL-U-07-02

Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE AMENDMENTS TO)
THE COMMISSION'S UTILITY CUSTOMER)
RELATIONS RULES, IDAPA 31.21.01.000 ET)
SEQ.)

DOCKET NO. 31-2101-0701

COMMENTS OF THE
COMMISSION STAFF

The Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Donald L. Howell, II, Deputy Attorney General, submits the following comments in support of the rule changes proposed in the Commission's Notice of Rulemaking issued in the Administrative Bulletin on October 3, 2007.

BACKGROUND

Staff held workshops with the major utilities on June 5 and July 10, 2007, to address several topics, including possible changes to the Utility Customer Relations Rules (UCRR). In addition to Staff, representatives of Avista, Idaho Power, Intermountain Gas, Rocky Mountain Power, and United Water were in attendance at both workshops. Participants discussed the general concepts behind possible revisions to the UCRR. After considering comments made at the workshops, Staff drafted several amendments for the Commission's review. The Commission subsequently proposed to amend its Customer Relations Rules 105, 203, 204, 300,

302, 310, 311, 403 and 600. Rule 403 is revised to correct a reference; all other changes are substantive or meant to clarify existing rules.

STAFF ANALYSIS AND COMMENT

Staff supports the Commission's proposed changes to its Utility Customer Relations Rules for the reasons more fully articulated below. The Notice containing the proposed changes is attached.

Proposed Changes to Rule 105

When necessary, utilities collect deposits from both customers and applicants for new service. The changes proposed to Rule 105.01 clarify that the formula used to determine the amount of a deposit applies to both customers and applicants.

Rule 105.02's revision provides the option for both customers and applicants to pay a deposit in two installments. As rates increase, deposit amounts grow larger. Customers who have had difficulty paying their bills and end up being disconnected may be faced with the need to pay both the amount past due as well as a large deposit before service can be restored. The installment payment option eases affected customers' immediate financial burden and decreases the likelihood that deposits will be a barrier to having service reconnected.

Finally, changes to Rule 105.02 clarify that utilities have the duty to advise customers and applicants of the option to pay a deposit in installments. Unfortunately, at least one utility has not been diligent in advising customers of the availability of this option. Staff believes it does little good to provide a payment option if those affected are not advised of its existence at the time a deposit is requested.

Proposed Changes to Rules 203 and 204

If a customer is due a refund from the utility, the proposed changes to both of these rules would allow refunds to be applied to future bills. This addresses cash flow issues of having to pay large refunds when the customer may wish (and the utility may prefer) to apply the refund to future bills. Utilities must advise an affected customer of the option to have any remaining credit balance sent to him or her. This provision is similar to what is now done with respect to deposit refunds.

The Commission Staff rarely receives complaints regarding billing under an inappropriate tariff schedule (addressed by Rule 203). However, complaints regarding inaccurately billed service or failure to bill (addressed by Rule 204) are more common.

Inaccurately billed service can result from misread meters, errors in bill preparation, failure to reconcile billing records with actual metering equipment installed at the customer's premises, metering equipment failures, or cross-metering in multi-tenant buildings. Equipment failures are the most problematic, since actual usage is unknown and therefore must be estimated. Staff believes that the proposed revisions to Rules 203 and 204 comply with existing law and provide utilities with the appropriate incentives to provide customers with accurate and timely billing for service rendered.

Proposed Changes to Rules 300 and 600

Electronic billing (via e-mail) is growing in popularity, and some customers prefer to conduct as much business as possible electronically. The proposed changes expand the definition of "written notice" to allow utilities to provide denial or termination notices by electronic mail only if the customer is billed electronically and consents to electronic notification. Utilities are not required to offer this option, and customers, even those who are electronically billed, are not required to select this option.

Proposed Changes to Rule 302

The proposed revision clarifies the time period when a utility can deny or disconnect service for an unpaid bill. Historically, Staff has taken the position that bills four (4) or more years old should not be used as grounds for denying or disconnecting service. Until recently, Staff was under the impression that utilities were in general agreement with the four (4) year limit. Recent disagreements with one utility, however, support clarification of the time period.

The Utility Customer Relations Rules should encourage utilities to pursue collection of unpaid past due bills expeditiously. It is important to remember, however, that prior bills may remain unpaid for a variety of reasons, including a dispute over responsibility for payment due to a change in marital status or disagreement among roommates, lack of knowledge on the part of the person whose name was used without authorization to establish service (identity theft), or failure to receive a final bill after disconnection of service due to mail delivery problems. Lack of payment does not necessarily mean that a customer or applicant has knowingly avoided payment of a debt. When a complaint is filed with the Commission regarding an unpaid prior bill, the Staff must determine whether the utility's records are correct with respect to both billing and payment history. The older the bill in question, the harder this process becomes.

The proposed change to Rule 302 is consistent with the policy reflected in Rule 101 where the Commission previously determined that an applicant with a prior bill that is four (4) or more years old cannot be required to pay a deposit based solely on the existence of that prior bill. A prior bill older than four (4) years is not considered to be a reliable basis for determining current credit risk. The passage of time calls into question the accuracy of account records and recollection of what transpired at the time a bill was incurred. The older the bill, the less likely it is that a customer retained copies of bills or proof of payment.

In addition, Idaho law specifies the time after which debts cannot be collected through litigation to avoid the inherent complications and imprecision of determining liability for old debt. *Idaho Code* § 5-217. Debts on oral contracts cannot be pursued four (4) years or more after the date of last activity on the account. Most requests for utility service are made over the telephone. Placing a certain time limit encourages creditors to pursue collection in a timely manner. It is reasonable to follow a similar course of action with respect to denial or disconnection of utility service for a prior bill four (4) or more years old. The Commission Staff faces the same difficulties experienced by the Court when trying to resolve aging billing disputes. Under either scenario, utilities may pursue collection of old prior bills but may not threaten to deny or disconnect service.

Proposed Changes to Rule 310

The Commission proposes to clarify this rule and add that a customer may not be disconnected for an unpaid bill that is older than four (4) years. Staff supports this change for the same reasons articulated above with respect to Rule 302.

In circumstances where an applicant already occupies a premise that is connected and receiving service, a utility that “denies” service in fact will be disconnecting that service. Service could be connected at the time a new occupant moves in and applies for service for a variety of reasons, including situations covered under landlord-tenant agreements wherein utility service is left on in the property owner’s name in between tenants. If service is not connected at the time of application, “denial” would be accomplished by refusing to connect service. With the exception of unpaid bills owing at the time of application for service, Staff supports the concept that the restrictions contained in Rule 310 should apply to both applicants and customers.

Proposed Changes to Rule 311

As proposed, Rule 311.01 would prohibit denial or disconnection all day on Friday, except for certain circumstances, i.e., where there is illegal use of service or the premises are unoccupied and service has been abandoned by the previous customer. Currently, denial or disconnection for any permissible reason is allowed until noon on Fridays. Customers who are disconnected on Friday are placed at a disadvantage, having less opportunity to make the financial arrangements necessary to pay a bill and have service reconnected before the weekend. Although customers receive several notices before service is disconnected, the unfortunate reality is that some simply are not able to pay prior to the time service is disconnected. If service is reconnected after business hours or on weekends, the affected customer must pay a higher reconnection fee, adding to his or her financial burden. If disconnection on Fridays is discontinued, customers who are disconnected on Thursday will have the opportunity to avoid paying higher fees by requesting reconnection during normal working hours on Friday.

In addition, there was considerable support expressed in a previous rulemaking for prohibiting disconnection all day on Fridays by the Idaho Community Action Network and members of the public in both public testimony and written comments filed with the Commission.

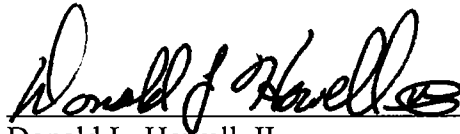
To balance the general “no disconnection on Friday” provision, Staff supports the Commission’s proposal to expand by one hour the time period during which denial or disconnection can take place, with the deadline changed from 4 p.m. to 5 p.m. This provides utilities a full day, 8 a.m. to 5 p.m., Monday through Thursday, to perform disconnections for any permissible reason. The rule also provides a full day on Friday to perform disconnections if there is illegal use of service or where the premises are unoccupied and service has been abandoned. This change allows utilities more hours in a workweek to perform disconnections than allowed under the existing rules, where disconnection for only a half day on Friday is allowed. Staff does not believe this change will impose a significant hardship on customers. Customers still will have the opportunity to make financial arrangements and have service reconnected either on the same day or the next day without having to pay a higher after-hours reconnection fee.

Rule 311.02(d) would allow denial or disconnection from 5 p.m. to 9 p.m., Monday through Thursday, if the utility is unable to gain access to the meter during normal business

hours or for illegal use of service. This provides more flexibility to utilities in scheduling disconnections that may require the assistance of law enforcement personnel. It also increases the likelihood that the utility will find someone at the premises, which, in some circumstances may allow the occupant a final opportunity to avoid disconnection.

Finally, the proposed revisions to Rule 311 will clarify that the restrictions on when service may be denied or disconnected apply to both denial or termination of service. Staff supports this change for the same reasons articulated above with respect to Rule 310.

Respectfully submitted this 24th day of October 2007.

A handwritten signature in black ink, appearing to read "Donald L. Howell, II", written over a horizontal line.

Donald L. Howell, II
Deputy Attorney General

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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

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. This action is authorized pursuant to Sections 61-503 and 61-507, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the Commission's address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Commission is proposing several changes to clarify and refine the scope of some of its Utility Customer Relations Rules. The Commission proposes to clarify Rule 105 that customers and applicants may pay service deposits in two equal installments. Second, the Commission proposes to amend its Rules 203 and 204 to clarify that customer refunds will be credited to future bills unless the customer requests a refund. The Commission also proposes to limit the time period a utility may rebill an undercharged customer to six (6) months unless a reasonable person should have known of the inaccurate billing which resulted in the undercharge. Utilities must implement procedures designed to identify customers who have been inaccurately billed. Third, the Commission proposes to change Rules 300 and 600 by defining the term "written notice" to include e-mail when the customer has elected to receive electronic billing. Fourth, the Commission proposes to clarify and restructure its Rule 311 dealing with restrictions when service may be denied or terminated and proposes to generally prohibit service termination on Fridays with some exceptions. The Commission is also proposing to clarify that a utility is not required to provide service to an applicant who is not connected at the time of application. Finally, Rules 302 and 310 would provide that a utility is not required to connect service for a customer or applicant who owes money on an existing account or a previous account if the unpaid bill is for service provided within the last four (4) years.

FEE SUMMARY: There are no fees associated with this proposed rulemaking. N/A

FISCAL IMPACT: There is no fiscal impact on the state general fund resulting from this rulemaking. N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, formal negotiated rulemaking was not conducted because two (2) utility workshops were held in June and July to address the general concepts supporting the possible revisions to these rules.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before October 24, 2007. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED at Boise, Idaho this 24th day of August, 2007.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 31-2101-0701

105. AMOUNT OF DEPOSIT (RULE 105).

01. **Amount of Deposit.** A deposit allowed pursuant to Rule 101 as a condition of service shall not exceed one-sixth (1/6) the amount of reasonably estimated billing for one (1) year at rates then in effect. ~~For customers who use~~ Where gas service is used for space heating purposes only, the deposit shall not exceed the total of the two (2) highest months' bills during the previous twelve (12) consecutive months, adjusted for currently effective rates. Deposit amounts shall be based upon the use of service at the premises during the prior year or upon the type and size of ~~customer's~~ equipment using the utility's service. (5-3-03)()

02. **Installment Payments of Deposit.** The utility shall ~~provide~~ advise the applicant ~~an opportunity to pay~~ or customer that the deposit may be paid in two (2) installments. ~~The applicant shall be allowed to pay~~ One-half (1/2) of the deposit amount ~~at the time of application, shall be due immediately~~ with the remaining installment payable in one (1) month. (7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

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 ()

c. 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. 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. ()

a. A customer who has been underbilled 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 underbilling charge 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. (7-1-93)()

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 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. 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 consents to electronic notification. ()

(BREAK IN CONTINUITY OF SECTIONS)

302. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITH PRIOR NOTICE (RULE 302).

A utility may deny or terminate service to a customer or applicant without the customer's or applicant's permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (7-1-93)

01. Failure to Pay. With respect to undisputed past due bills the customer or applicant: (3-20-04)

a. Failed to pay; (3-20-04)

b. Paid with a dishonored check; or (3-20-04)

c. Made an electronic payment drawn on an account with insufficient funds. (3-20-04)

02. Failure to Make Security Deposit. The customer or applicant failed to make a security deposit or make an installment payment on a deposit where it is required. (3-30-01)

03. Failure to Abide by Terms of Payment Arrangement. The customer or applicant failed to abide by the terms of a payment arrangement. (3-30-01)

04. Identity Misrepresentation. The customer or applicant misrepresented the customer's or applicant's identity for the purpose of obtaining utility service. (7-1-93)

05. **Denial of Access to Meter.** The customer or applicant denied or willfully prevented the utility's access to the meter. (7-1-93)

06. **Willful Waste of Service.** The utility determines as prescribed by relevant State or other applicable standards that the customer is willfully wasting service through improper equipment or otherwise. (7-1-93)

07. **Service to Minors.** The applicant or customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code. (3-20-04)

08. **Previous Account Balance Owning.** Nothing in this rule requires the utility to connect service for a customer or applicant who owes money on an existing account or from a previous account if the unpaid bill is for service provided within the past four (4) years (3-20-04)()

(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 has promised in writing to pay or made a payment on the bill within the last four (4) years. ()

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.d. apply. ()

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

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

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

c. For failure to pay amounts in dispute while a complaint filed pursuant to Rule 402 is pending before this Commission; or ()

d. While a case placing at issue payment for utility service is pending before a court in the state of

Idaho unless authorized by court order. ()

02. Times When Service May Be Denied or Terminated. Service may be denied or 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 denial or 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 Denial or Termination of Service. Immediately preceding denial or termination of service, the employee designated to deny or 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 denied or 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 deny or terminate service. Nothing in this rule prevents a utility from proceeding with denial or 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 deny or 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 denial or 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. Applicant Without Service - Customer Requested Termination. Nothing in this rule prohibits a utility from denying service to an applicant who is not connected at the time of the application for service or from terminating service at any time pursuant to a customer's request. ()

(BREAK IN CONTINUITY OF SECTIONS)

403. RECORD OF COMPLAINTS (RULE 403).

01. Recordkeeping. Each utility must keep a written record of complaints and requests for conferences pursuant to Rules 401 and 402. These records must be retained for a minimum of one (1) year at the office of the utility where the complaints were received or conferences held. These written records are to be readily available upon request by the concerned customer, the customer's agent possessing written authorization, or the Commission. The records must show whether the customer or applicant was advised as required by Rule 401.032 that the customer or applicant may request the Commission to review the utility's proposed disposition of the complaint. ~~(7-1-93)~~ ()

02. Reporting. Each utility must, at the Commission's request, submit a report to the Commission that states and classifies the number of complaints made to the utility pursuant to Rules 401 and 402, the general nature of their subject matter, how received (in person, by letter, etc.), and whether a Commission review was conducted. (7-1-93)

(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 consents to electronic notification. ()