

DECISION MEMORANDUM

**TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF**

**FROM: DON HOWELL
DEPUTY ATTORNEY GENERAL**

RUL - 0 - 09 - 02

DATE: SEPTEMBER 25, 2009

**SUBJECT: AMENDMENT OF THE COMMISSION'S UTILITY CUSTOMER
RELATIONS RULES (IDAPA 31.21.01) AND TO REPEAL OF THE
COMMISSION'S UTILITY CUSTOMER INFORMATION RULES
(IDAPA 31.21.02), DOCKET NOS. 31-2101-0901 AND ~~31-2102-0901~~**

On September 2, 2009, the Commission caused to be published in the Administrative Bulletin two Notice of Proposed Rulemakings. In the first rulemaking (Docket No. 31-2101-0901), the Commission proposed to move the last three substantive rules from the Customer Information Rules to the Customer Relations Rules. In particular, the Commission proposes to move Customer Information Rules 101, 103 and 104 to the Utility Customer Relations Rules. The three relocated rules are attached for your review.

According to the public notice in the Administrative Bulletin, comments on the proposal to move the three rules and then repeal the Utility Customer Information Rules were due no later than September 23, 2009. The Commission received no comments regarding the transfer and repeal. The Legislative Services Office reports that the Senate and House Subcommittee for Review of Administrative Rules did review the proposed changes. In a letter dated September 10, 2009, Legislative Services reports that no objections were made to the proposed rules by the Subcommittees.

COMMISSION DECISION

Does the Commission wish to adopt its proposal to transfer the three rules to IDAPA 31.21.01 and to repeal the Utility Customer Information Rules found at IDAPA 31.21.02?

Does the Commission wish to propose its adoption of pending rule in the next Administrative Bulletin scheduled for publication on November 4, 2009?

Does the Commission wish to submit these rule changes to the 2010 Legislature?



Don Howell
Deputy Attorney General

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DECISION MEMORANDUM

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. 31-2101-0901

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 Section 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 September 16, 2009.

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 proposes to relocate three (3) rules from IDAPA 31.21.02 to IDAPA 31.21.01. The rules to be relocated are:

1. IDAPA 31.21.02.101 to IDAPA 31.21.01.702;
2. IDAPA 31.21.02.103 to IDAPA 31.21.01.201.04; and
3. IDAPA 31.21.02.104 to IDAPA 31.21.01.208.

The Commission also proposes in Rule 31.21.01.201.04.b that water utilities with more than five thousand (5,000) customers provide consumption data on each customer's bill comparing actual consumption in the current billing period with the corresponding billing period in the previous year. After the transfer of the rules is complete, the Commission proposes to repeal IDAPA 31.21.02. Relocating these rules will streamline the Commission's utility rules.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the nature of the proposed action.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 September 23, 2009.

DATED at Boise, Idaho this 21st day of July, 2009.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Telephone: (208) 334-0338
Facsimile: (208) 334-3762

Street address for express delivery:

472 W Washington
Boise, Idaho 83702-5918

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 31-2101-0901

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)**

(BREAK IN CONTINUITY OF SECTIONS)

001. TITLE AND SCOPE (RULE 1).

The name of this chapter is "Customer Relations Rules for Gas, Electric and Water Public Utilities *Regulated by the Idaho Public Utilities Commission* (the Utility Customer Relations Rules)." This chapter has the following scope: These rules provide a set of fair, just, reasonable, and non-discriminatory rules ~~to address recurring areas of disagreement between utilities and customers~~ with regard to deposits, guarantees, billing, application for service, denial of service, termination of service and complaints to utilities. (7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

201. ISSUANCE OF BILLS – CONTENTS OF BILLS (RULE 201).

Bills shall be issued on a regular basis. Bills must contain the following information: (3-30-01)

01. **The Billing Date.** (7-1-93)

02. **The Time Period Covered by the Bill.** (7-1-93)

03. **Metered Service Billing.** If metered service is the basis for billing, the beginning and ending meter readings, where the bill is based on actual readings, or a clearly marked statement that the bill is estimated, if the meter was not actually read, and the quantity of service provided, when applicable. (7-1-93)

04. **Billing Comparisons of Consumption Data.** ~~Comparisons of current and previous consumptions, when required by IDAPA 31.21.02.103.~~ (7-1-93)()

a. Each gas and electric utility shall compare on each customer's regular billing the customer's actual consumption of gas or electricity with the customer's actual consumption of gas or electricity for the corresponding billing period in the previous year. If the billing periods being compared contain a different number of days, the utility shall adjust the data to take into account the different length of the billing periods and show the comparison as an absolute change in therm use or kilowatt hour use per day. ()

b. Each water utility with more than five thousand (5,000) customers shall compare on each customer's regular billing the customer's actual consumption of water with the customer's actual consumption of water for the corresponding billing period in the previous year. The usage comparison shall be expressed in gallons or cubic feet based upon total consumption for each billing period or average consumption per day during each billing period. ()

05. **The Due Date of the Bill.** (7-1-93)
06. **Itemization of All Charges.** An itemization of all charges, both recurring and nonrecurring. (7-1-93)
07. **Any Amount Transferred From Another Account.** (7-1-93)
08. **Any Amounts Past Due.** (7-1-93)
09. **Payments or Credits.** Any payments or credits applied to the customer's account since the last bill. (7-1-93)
10. **The Total Amount Due.** (7-1-93)
11. **Address and Telephone Number.** The mailing address and toll-free telephone number(s) available to customers in the service territory for answering billing inquiries. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

208. DEGREE-DAY INFORMATION (RULE 208).

Upon request, each gas and electric utility shall make degree-day adjusted data available to customers for comparisons of the kind made in Rule 201.04. ()

~~2089.~~ -- 299. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

702. EXPLANATION OF RATE SCHEDULE (RULE 702).

Each gas, electric, and water utility shall transmit annually to each of its customers and give to each new customer at the time of initiation of service a clear and concise explanation of the existing rate schedule for the class of services selected by that customer. ()

~~7023.~~ -- 999. (RESERVED).

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.21.02 - INFORMATION TO CUSTOMERS OF GAS, ELECTRIC, AND WATER PUBLIC UTILITIES

DOCKET NO. 31-2102-0901 (CHAPTER REPEAL)

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 proposes to repeal its Utility Customer Information Rules. This action is authorized pursuant to Section 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 September 16, 2009.

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 concise explanatory statement of the reasons for repealing the chapter:

The transfer of these rules is proposed in Docket No. 31-2101-0901. After the transfer of the rules is complete, the Commission proposes to repeal IDAPA 31.21.02. Consolidating these rules will streamline the Commission's utility rules.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, negotiated rulemaking was not conducted because of the nature of the proposed action.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the rescission of these rules, contact 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 September 23, 2009.

DATED this 21st day of July, 2009.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Telephone: (208) 334-0338
Facsimile: (208) 334-3762

Street address for express delivery:
472 W Washington
Boise, Idaho 83702-5918

IDAPA 31.21.02 IS BEING REPEALED IN ITS ENTIRETY