DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF

FROM: DON HOWELL
DEPUTY ATTORNEY GENERAL

DATE: AUGUST 22, 2013

SUBJECT: STAFF COMMENTS REGARDING THE NEGOTIATED RULEMAKING PUBLIC WORKSHOP FOR THE COMMISSION'S RULES OF PROCEDURE, APA DOCKET NO. 31-0101-1301 (IPUC CASE NO. RUL-U-13-01)

On August 7, 2013, the Commission caused to be published a "Notice of Intent to Promulgate Rules – Negotiated Rulemaking" in the Administrative Rules Bulletin. The public notice indicated that the Commission would hold an informal negotiated rulemaking workshop on August 21, 2013, for interested persons to review several draft changes to the Commission's Rules of Procedure, IDAPA 31.01.01. The Commission Staff and representatives of Idaho Power participated in the negotiated rulemaking workshop. Interested persons may also submit written comments on the draft changes no later than August 23, 2013. At the time this memorandum was prepared there were no written comments.

THE PROPOSED CHANGES

As indicated in its Notice, the Commission solicited comments and suggestions from interested persons regarding several draft changes to the Commission's Rules of Procedure. The reasons for the proposed changes included: (1) improving efficiency and cost-effectiveness by allowing the Commission to update its list of current utilities and railroads subject to the annual regulatory assessment (Rule 18); (2) updating references and citations to other authorities (Rules 19 and 43); (3) increasing public involvement by making RSS feeds more user-friendly (Rule 39); (4) recognizing utilities formed as limited liability companies (Rules 111 and 114); and (4) improving the clarity of two rules regarding customer notices (Rules 121 and 125). Idaho

Administrative Bulletin, Vol. 13-8, pp. 294-95. Pursuant to the Workshop Notice, the draft changes were posted on the Commission's web site.

In addition to the rules referenced above, Staff also proposed several clarifications to Rules 52 (Applications), 53 (Petitions), 72 (Form and Content of Petitions to Intervene), and 162 (Form and Content of Petition for Intervenor Funding). These additional changes were intended to update terms and to amend the rules to reflect normal practices of intervenors when requesting intervenor funding.

THE PUBLIC WORKSHOP

Idaho Power and Staff agreed to support the proposed changes to the Rules of Procedure. In addition, Idaho Power proposed minor changes to three rules for the purpose of improving readability and clarity. These three additional changes are discussed in greater detail below.

First, Idaho Power proposed that the introductory paragraph to Rule 43 (Representation of Party) be changed from the proposed draft. The bold text reflects Idaho Power's suggestions.

> Proceedings before the Commission are sometimes administrative in nature or quasi-judicial in nature. ~~Guidelines~~ **General requirements** for the representation of parties are outlined below.

Second, Idaho Power recommended that Rule 121.01.c. be amended to read:

> **c.** If the application is subject to Rule 122, a statement showing how and when the application has been **or will be** brought to the attention of affected customers and a copy of the press release and customer notice required by Rule 125.

Finally, Idaho Power recommended that an additional sentence regarding electronic customer notices be added to Rule 125.03 as noted below:

> **03. Timely Distribution of Customer Notices.** The customer notices referred to in Subsection 125.01 may be mailed separately to customers or included in the customer's regular bill as a bill stuffers ~~over the course of a billing cycle or may be contained in additional comment pages to the customer's monthly bill~~. **At the customer's option, the customer notice may be provided electronically.** ~~If additional comment pages are used, t~~The information required by this rule is to be clearly identified, easily understood, and pertain only to the proposed rate change. Distribution of customer notices shall commence when the utility files its application or as soon as possible thereafter.

Commission Staff agreed with all the suggested changes offered by Idaho Power.

RECOMMENDATION

Given the agreement between the Company and Staff and the lack of any objection, Staff urges the Commission to adopt the proposed negotiated changes and issue a Notice of Proposed Rulemaking proposing the changes noted in the attachment. If the Commission issues the Notice, person will still be provided an opportunity to comment on the proposed rules.

COMMISSION DECISION

Does the Commission wish to adopt the proposed changes agreed to by the parties at the negotiated rulemaking workshop? Does the Commission wish to issue a Notice of Proposed Rulemaking to be published in the October 2, 2013 Administrative Bulletin? Does the Commission wish to make any changes to the rules?

Don Howell
Deputy Attorney General

bls/N:31-0101-1301_dh2_Dec Memo

IDAPA 31
TITLE 01
CHAPTER 01

31.01.01 – RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION

018. PAYMENT OF FEES AND REMITTANCES (RULE 18).

01. Payments. Fees and remittances to the Commission must be paid by money order, bank draft or check payable to "Idaho Public Utilities Commission." Remittances in currency or coin are wholly at the risk of the remitter, and the Commission assumes no responsibility for their loss. (7-1-93)

02. Annual Regulatory Fees. Utilities and railroads shall pay their annual special regulatory fees as required by Chapter 10, Title 61 and Section 62-611, Idaho Code. Utilities and railroads that fail to pay their special regulatory fees, are no longer conducting business in Idaho, and fail to maintain a designated agent for service with the Commission Secretary (Rule 16.03) may be administratively removed from the list of utilities and railroads subject to the annual regulatory fee. ( )

019. INCORPORATED BY REFERENCE -- IDAHO BAR COMMISSION RULE (RULE 19).

Rule 43 incorporates by reference Idaho Bar Commission Rule 227 (~~Limited Admission/~~Pro Hac Vice Admission). Bar Rule 227 is promulgated by the Idaho State Bar and adopted by order of the Idaho Supreme Court. Bar Rule 227 may be obtained from the Idaho State Bar, PO Box 895, Boise, ID 83701, or online at http://www.isb.idaho.gov. Bar Rule 227 is also available for inspection and copying at the Idaho State Law Library or at the offices of the Idaho Public Utilities Commission. ~~(4-7-11)~~( )

(BREAK IN CONTINUITY OF SECTIONS)

039. PERSONS -- PERSONS NOT PARTIES -- INTERESTED PERSONS – PUBLIC INVOLVEMENT (RULE 39).

01. Persons and Person Not Parties. The term "person" includes natural persons, partnerships, corporations, associations, municipalities, government entities and subdivisions, and any other entity authorized by law to participate in administrative proceedings. Persons other than the persons named in Rules 32 through 37 are not parties for the purpose of any statute or rule addressing rights or obligations of parties. (4-5-00)

02. Interested Persons. Interested persons for purposes of the Commission Secretary's service of notice under Rules 113, 123, and 202 are municipalities, counties, and chambers of commerce in the area affected by a proceeding and persons who were parties in any proceeding of a similar kind involving the same utility or ~~regulated carrier~~ railroad in the preceding three (3) years. This rule defines interested persons for purposes of Rules 113, 123, and 202, but not for purposes of Section 61-626, Idaho Code. ~~(4-5-00)~~(____)

03. Public Involvement. Persons interested in receiving periodic updates about filings made in certain groups of cases, in individual cases, or the issuance of press releases, orders and notices may subscribe to the Commission's Rich Site Summary (RSS) feed located on the Commission's home page at: www.puc.idaho.gov. Subscription to general information will be available at the home page at "Keep Me Updated" and case specific subscription will be available at each case summary page. The Commission's home page also contains links to other utility or Commission topics. (____)

(BREAK IN CONTINUITY OF SECTIONS)

043. REPRESENTATION OF PARTIES (RULE 43).

Proceedings before the Commission are sometimes administrative in nature or quasi-judicial in nature. General requirements for the representation of parties are outlined below. ~~(4-7-11)~~(____)

01. Administrative Proceedings. Administrative proceedings before the Commission include matters such as the filing of tariff schedules, tariff advices, price lists, certificates to provide local exchange service, interconnection agreements, rulemaking, written comments in modified procedure, or written comments provided at a customer hearing. These filings may be made by a natural person pro se, a partner in a partnership, an employee or officer of a corporation, or a licensed attorney. (4-7-11)

02. Quasi-Judicial Proceedings. The representation of parties at quasi-judicial proceedings for the purpose of adjudicating the legal rights or duties of a party is restricted as set out below. Quasi-judicial proceedings before the Commission include matters such as formal complaints, petitions, motions, applications for modified procedure or technical/evidentiary hearings. Representation of parties of these types of proceedings shall be as follows: (4-7-11)

a. A natural person may represent himself or herself or be represented by a licensed attorney. (4-7-11)

b. A partnership or corporation shall be represented by a licensed attorney. (4-7-11)

c. A municipal corporation; a state, federal, tribal, or local government agency; an unincorporated association; a non-profit organization, or other entity shall be represented by a licensed attorney. (4-7-11)

03. Attorney Representation. Only an active member of the Idaho State Bar may represent a party as an attorney except as provided by Idaho Bar Commission Rule 227 (~~Limited Admission~~/Pro Hac Vice Admission). The Commission adopts by incorporation Bar Rule 227 as modified below. ~~(4-7-11)~~(____)

a. Limited admission by out-of-state attorneys will not be necessary in conjunction with administrative proceedings. Out-of-state attorneys representing the same party in one (1) or more quasi-judicial proceedings must request limited admission at least one (1) time per calendar year. (4-7-11)

b. An attorney applying for limited admission to appear before the Commission in a representative capacity shall file a written motion with the Commission Secretary and serve a copy on all parties. The motion shall be substantially in the form set out in Bar Rule 227(~~i~~j) with references to the Commission instead of the court. ~~(4-7-11)~~(____)

c. A copy of the written motion shall be submitted to the Idaho State Bar accompanied by the fee prescribed in Bar Rule 227~~(i)~~. ~~(4-7-11)~~(____)

(BREAK IN CONTINUITY OF SECTIONS)

052. APPLICATIONS -- DEFINED -- FORM AND CONTENTS (RULE 52).

All pleadings requesting a right, certificate, permit, or authority from the Commission ~~or the award of intervenor funding~~ are called "applications." Applications must: ~~(4-5-00)~~(____)

01. State Facts. Fully state the facts upon which they are based, (7-1-93)

02. Refer to Provisions. Refer to the particular provisions of statute, rule, order, or other controlling law upon which they are based, and (7-1-93)

03. Pray for the Action Sought. Request the action desired. (3-16-04)

04. Public Information. Unless otherwise exempted from disclosure by statute, information in applications is public information not exempt from disclosure under Section 9-340C(9), Idaho Code. (3-16-04)

053. PETITIONS -- DEFINED -- FORM AND CONTENTS (RULE 53).

All pleadings requesting: (7-1-93)

01. Modification, Amendment or Stay of Existing Orders or Rules. (7-1-93)

02. Clarification or Construction of Orders, Rules or Statute. (7-1-93)

03. Initiation of Proceeding. The initiation of a proceeding not an application or a proceeding that will lead to the issuance of an order. (7-1-93)

04. ~~Rehearing~~ Reconsideration. ~~(7-1-93)~~( )

05. Request for Intervenor Funding. ( )

06. Intervention are Called "Petitions." ~~(7-1-93)~~( )

07. Form and Content. Petitions must: ( )

a. Fully state the facts upon which they are based, (7-1-93)

b. Refer to the particular provisions of statute, rule, order or other controlling law upon which they are based, (7-1-93)

c. Pray for the relief desired, and (7-1-93)

d. State the name of the person petitioned against (the respondent), if any. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

072. FORM AND CONTENTS OF PETITIONS TO INTERVENE (RULE 72).

Petitions to intervene must comply with Rules 41, 61, and 62. The petition must set forth the name and address of the petitioner and clearly and concisely state the direct and substantial interest of the petitioner in the proceeding. If affirmative relief is sought, the petition must state

the relief sought and the basis for granting it. ~~Applications~~ Petitions for intervenor funding should be made in a separate document from the petition to intervene. ~~(4-5-00)~~(____)

(BREAK IN CONTINUITY OF SECTIONS)

162. FORM AND CONTENTS OF PETITION FOR INTERVENOR FUNDING (RULE 162).

~~An application~~ petition for intervenor funding must contain the following: ~~(7-1-93)~~ (____)

01. Itemized List of Expenses. An itemized list of expenses that the intervenor requests to recover broken down into categories such as legal fees, witness fees, or reproduction fees. Legal and witness fees shall, where applicable, indicate hourly rates. (4-5-00)

02. Statement of Proposed Findings. A statement of the intervenor's proposed finding or recommendation that the intervenor wishes the Commission to adopt. (7-1-93)

03. Statement Showing Costs. A statement showing that the costs that the intervenor proposes to recover are reasonable in amount. (7-1-93)

04. Explanation of Cost Statement. A statement explaining why the costs described in Rule 162.01 constitute a significant financial hardship for the intervenor. (4-5-00)

05. Statement of Difference. A statement showing how the intervenor's proposed finding or recommendation in the case differs materially from the testimony and exhibits of the Commission Staff. (4-5-00)

06. Statement of Recommendation. A statement showing how the intervenor's recommendation or position addressed issues of concern to the general body of utility users or consumers, and (7-1-93)

07. Statement Showing Class of Customer. A statement showing the class of customer on whose behalf the intervenor appeared. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

111. FORM AND CONTENTS -- NEW UTILITY (RULE 111).

Applicants for the issuance of a certificate of convenience and necessity for a new utility under Section 61-526, Idaho Code, or Commission order, must submit the data required by this rule (where relevant) with their applications. (4-5-00)

01. Name, Address and Form of Business. (7-1-93)

a. If the applicant is a sole proprietor: (7-1-93)

i. The name, business address, and electronic address (if available) of the applicant; and (4-5-00)

ii. The business name (including "doing business as" (dba)) of the sole proprietorship. (3-16-04)

b. If the applicant is a partnership: (7-1-93)

i. A list of the names, business addresses, and electronic addresses (if available) of all the partners; and (4-5-00)

ii. The business name (including dba) of the partnership. (3-16-04)

c. If the applicant is a corporation or limited liability company (LLC): ~~(7-1-93)~~(____)

i. A short statement of the character of public service in which it may engage; (7-1-93)

ii. The name of the ~~corporation~~ entity (including dba) and the state in which it is incorporated or organized; ~~(3-16-04)~~(____)

iii. Its principal business address, its principal business address within Idaho, and electronic address (if available); (4-5-00)

iv. A certified copy of its articles of incorporation or its certificate of organization if an LLC; and ~~(7-1-93)~~(____)

v. If not incorporated or organized in Idaho, a certificate of authority from the Idaho Secretary of State, a certificate of good standing issued by the ~~S~~secretary of ~~S~~state of ~~Idaho~~ the state in which it is incorporated or organized, and the name and address of its registered agent for service in Idaho. ~~(3-16-04)~~(____)

02. Written Explanation Why Service Is Proposed. A statement or prepared testimony and exhibits explaining why the proposed utility service is or will be in the public convenience and necessity. (7-1-93)

03. Proposed Operations. A full description of the proposed location, route or routes of the utility service, including a description of the manner of construction, and the names of all public utilities, corporations, or persons with whom the proposed new utility is likely to compete. (7-1-93)

04. Maps. A map of suitable scale showing the location of the utility service and its relation to other public utilities in the area that offer or provide similar utility service. (7-1-93)

05. Financing of Construction. A statement of the manner in which the applicant proposes to finance new utility service construction, the time when the applicant proposes to begin construction and the time when the applicant proposes to begin service. (7-1-93)

06. Cost of Service. Estimates of the cost of extending to and the annual cost of serving the territory for which the certificate is sought, of the number of service connections already made or to be made, of the annual revenue from them or expected annual revenue from them, and of anticipated rates and charges. (7-1-93)

07. Financial Statement. A financial statement of the applicant. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

114. APPLICATION FOR NEW COMPETITIVE LOCAL EXCHANGE CARRIER (CLEC) – FORM AND CONTENT (RULE 114).

The Commission issues Certificates of Public Convenience and Necessity to competitive local exchange carriers (CLECs) seeking to provide local exchange services in Idaho. The Commission uses the certification process to register and review applications to provide local telecommunications services. See Commission Order No. 26665 issued November 7, 1996. Each CLEC application shall include the following information: (5-8-09)

01. Name, Address and Form of Business. (5-8-09)

a. If the applicant is the sole proprietor, provide the name and business address of the applicant and the business name of the sole proprietorship. (5-8-09)

b. If the applicant is a partnership, provide a list of the names and business addresses of all the partners, and the business name of the partnership. (5-8-09)

c. If the applicant is a corporation or limited liability company (LLC), along with the entity's name (and dba, if any), provide, if applicable: ~~(5-8-09)~~( )

i. A short statement of the character of public service in which it is engaged; (5-8-09)

ii. The name of the entity (including dba, if any) and the state in which it is incorporated or organized; ~~(5-8-09)~~( )

iii. Its principal business address and its principal address within Idaho; (5-8-09)

iv. A certified copy of its articles of incorporation or its certificate of organization if an LLC; ~~(5-8-09)~~( )

v. The names and addresses of the officers and directors or members of applicant;

~~(5-8-09)~~(____)

vi. The names and addresses of subsidiaries owned or controlled by applicant; (5-8-09)

vii. If not incorporated or organized in Idaho, a certificate of authority from the Idaho Secretary of State, a certificate of good standing issued by the ~~applicable~~ secretary of state in the state it is incorporated or organized, and the name and address of its registered agent for service in Idaho; and ~~(5-8-09)~~(____)

viii. The name and address of any corporation, association, or similar organization holding a five percent (5%) or greater ownership or a managerial interest in the applicant, and indicate the amount and character of the ownership interest. Include a copy of any management agreement with the application. (5-8-09)

02. Services and Territory. The application shall include: (5-8-09)

a. A written description of customer classes and customer services that the applicant proposes to offer to the public. The application shall indicate the date on which the applicant proposes to begin construction or anticipates it will begin to provide service in Idaho. (5-8-09)

b. A description sufficient for determining whether service is to be offered in a particular location and the names of incumbent local exchange corporations (ILECs) with whom the proposed utility is likely to compete. The application shall include a description of the intended manner of service, e.g., resold services or facilities-based services; and a general description of the property owned or controlled by applicant. (5-8-09)

c. A map of reasonable size and detail showing where the applicant is proposing to provide service including exchanges (if different from existing exchanges), rural zones, and local calling areas. If the service area is identical to an incumbent LEC's service area, then applicant may refer to the incumbent's service area. (5-8-09)

03. Financial Information. (5-8-09)

a. The application shall provide the current detailed balance sheets, including a detailed income and profit and loss statements of applicant reflecting current and prior year balance for the twelve (12) months ending as of the date of the balance sheet, or if not readily available, for the period since the close of the preceding calendar year. If a balance sheet and income statement are not available, the applicant shall submit financial data sufficient to establish it possesses adequate financial resources to provide the proposed services. (5-8-09)

b. The application shall include the latest annual report, if any. (5-8-09)

04. Tariffs and Price Lists. The application shall include proposed initial tariffs or price sheets setting forth rates, rules, terms, and regulations applicable to the contemplated service. Initial tariffs and price lists filings shall be in an electronic form as well as paper. The tariffs and price lists in electronic format will be in computer searchable Adobe Acrobat (PDF), or submitted on a CD-ROM or other format as prescribed by the Commission Secretary. (5-8-09)

05. Tariff and Customer Contact. The application shall include the name, address, and telephone number for those persons responsible for tariff and price list questions, as well as customer complaints and inquiries. The application shall state the toll-free telephone number for customer inquiries and complaints. (5-8-09)

06. Interconnection Agreements. The application shall state whether the applicant has initiated interconnection negotiations and, if so, when and with whom. Include copies of any interconnection contracts which have been completed for the provision of telecommunication services. (5-8-09)

07. Compliance with Commission Rules. The application shall contain a written statement that the applicant has reviewed all of the Commission's rules and agrees to comply with them, or include a request for waiver of those rules believed to be inapplicable. (5-8-09)

08. Conservation of Telephone Numbers. The application shall contain a written statement acknowledging that non-paging telecommunications carriers with telephone numbering resources in Idaho shall be subject to numbering conservation measures including mandatory one thousand (1,000) block pooling. See Commission Order No. 30425. All CLECs shall evaluate their numbering resources and donate to the numbering resource pool unused one thousand (1,000) number blocks and one thousand (1,000) number blocks that have fewer than ten percent (10%) of the telephone numbers assigned. Applicable carriers shall also file the necessary utilization reports with NeuStar and semi-annual report their number resource utilization/forecast (NRUF) data at the one thousand (1,000) block level for each rate center within their service territory. The Federal Communications Commission has appointed NeuStar to manage the assignment and conservation of telephone area codes and telephone numbers in North America. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

121. FORM AND CONTENTS OF APPLICATION TO CHANGE RATES (RULE 121).

01. Utility Applications to Change Rates. Applications by any public utility subject to Title 61, Idaho Code, to increase, decrease or change any rate, fare, toll, rental or charge or any classification, contract, practice, rule or regulation resulting in any such increase, decrease or change must include the following data: (4-7-11)

a. An exhibit showing in full each proposed change in rates, tolls, rentals, charges, rules or regulation by striking over proposed deletions to existing tariffs and underlining proposed additions or amendments to existing tariffs, except applications to increase or decrease all or almost all rates and charges by a uniform percentage or by a uniform amount may be made by filing a tariff listing the proposed change and all unchanged rates and charges or rates and charges not changed by a uniform percentage or a uniform amount, or by use of another designation previously approved by the Commission that clearly calls attention to all proposed changes in numbers or wording. (7-1-93)

b. If the application is subject to Rule 122, a complete justification of the proposed increase in the form of testimony and exhibits or a narrative exposition. (7-1-93)

c. If the application is subject to Rule 122, a statement showing how and when the application has been or will be brought to the attention of affected customers and a copy of the press release and customer notice required by Rule 125. ~~(4-7-11)~~( )

d. A statement that the applicant stands ready for immediate consideration of the application. (7-1-93)

e. If the application is subject to Rule 122, testimony and exhibits showing financial statements, cost of capital and appropriate cost of service studies. (7-1-93)

f. Workpapers or documentation showing how test year data were adjusted. (7-1-93)

g. If the applicant provides utility service in states other than Idaho or utility service subject to federal regulation, a jurisdictional separation of all investments, revenues and expenses allocated or assigned in whole or in part to Idaho intrastate utility business regulated by this Commission showing allocations or assignments to Idaho. (7-1-93)

02. Proposals Based upon Computer Modeling. In addition, in any application in which a computer model is used to represent or simulate processes from which the revenue requirement is derived or upon which allocations of the revenue requirement to different

customer classes are based, complete documentation of all those computer models must be supplied to the Staff, upon request, and be available in the utility's office or other depository. The Staff may request that the computer model itself be provided. A computer model includes the representation or simulation of a process, but does not mean or include the compilation of actual data. The application must state that the documentation of the models already on file in the applicant's office or other depository fully describes the models or that necessary updates or additions to previous documentation that will fully describe the models is on file and will be supplied on request. (4-5-00)

03. Grounds for Returning or Dismissing Application. Failure to comply with Rule 121.01 and 121.02 of this rule is grounds to return or dismiss an application under Rule 65. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

125. NOTICES TO CUSTOMERS OF PROPOSED CHANGES IN RATES (RULE 125).

01. Customer Notice of a Change in Rates. (4-7-11)

a. If a utility is requesting a rate increase, the utility shall issue a customer notice to each customer. The customer notice shall include a brief explanation of the utility's need for additional revenue and the dollar amount requested. The notice shall give the proposed overall percentage change from current rates as well as the proposed percentage increase in revenue for each major customer class. (4-7-11)

b. If the utility is requesting a rate decrease, the utility shall issue a customer notice to each customer. The customer notice shall include a brief explanation of the reason for the decrease, the overall dollar amount of the proposed decrease, and the proposed percentage decrease for each major customer class. (4-7-11)

c. The customer notice shall make it clear that the application is a proposal, subject to public review and a Commission decision. It shall also inform customers that a copy of the utility's application is available for public review at the offices of both the Commission and the utility, and on the Commission's homepage at www.puc.idaho.gov. ~~(4-7-11)~~( )

d. The customer notice shall inform customers that written comments regarding the utility's application may be filed with the Commission. It shall also inform customers that they

may subscribe to the Commission's RSS feed (Rule 39.03) to receive periodic updates via e-mail about the case. ( )

02. Timing of Notice for Trackers or Annual Cost Adjustments. Tracker adjustments occasioned by federal action that result in an increase or decrease in rates may be brought to the attention of customers in compliance with this rule after approval by the Commission. Other tracker or annual cost adjustment cases that result in an increase in rates remain subject to the requirements of advance notice contained in this rule. Other tracker or annual cost adjustment cases that result in a decrease in rates may be brought to the attention of customers in compliance with this rule after being approved by the Commission. (4-7-11)

03. Timely Distribution of Customer Notices. The customer notices referred to in Subsection 125.01 may be mailed separately to customers or included in the customer's regular bill as a bill stuffers ~~over the course of a billing cycle or may be contained in additional comment pages to the customer's monthly bill~~. At the customer's option, the customer notice may be provided electronically. ~~If additional comment pages are used, t~~The information required by this rule is to be clearly identified, easily understood, and pertain only to the proposed rate change. Distribution of customer notices shall commence when the utility files its application or as soon as possible thereafter. ~~(5-8-09)~~( )

04. Press Release. In instances covered by Subsection 125.01, the utility shall also send a press release containing, at minimum, the same information presented in the customer notices to all newspapers, radio, and television stations listed on the Commission's news organization list for that utility. The press releases shall be mailed or delivered simultaneously with filing of the application. (5-8-09)

05. Filing of a Press Release and Customer Notice. A copy of the press release and customer notice shall be filed with the application. (5-8-09)

06. Purposes and Effects of This Rule. The purposes of Subsections 125.01 through 125.05 of this rule are to encourage wide dissemination to customers of information concerning proposed rate changes for utility services. It is not a purpose of these subsections to create due process or other procedural rights in customers by expanding, contracting, or otherwise modifying the notice and due process rights of customers under the Public Utilities Law and the Commission's Rules of Procedure, IDAPA 31.01.01. Accordingly, Subsections 125.01 through 125.05 of this rule create no individual procedural rights in any customer for notice that would

give rise to a due process or other procedural claim cognizable by the Commission, but failure to comply with Subsections 125.01 through 125.05 of this rule can be grounds for returning an application for incompleteness. (5-8-09)