

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF ALBION TELEPHONE COMPANY FOR ) CASE NO. ALB-T-14-02  
CERTIFICATION TO DONATE )  
UNCLAIMED FUNDS TO A FINANCIAL ) ORDER NO. 33194  
ASSISTANCE PROGRAM )**

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On December 10, 2014, Albion Telephone Company (ATC or the Company) filed an Application with the Commission seeking certification so that ATC may donate unclaimed deposits and refunds to the South Central Community Action Partnership, a financial assistance program in Twin Falls, Idaho. Application at 1-2. *Idaho Code* § 14-508 allows a utility to donate unclaimed customer deposits to “a financial assistance program which assists the utility’s low income or disadvantaged customers.”

**THE APPLICATION**

ATC is a provider of basic local exchange service and other telecommunications services in southern Idaho. Application at 1. ATC routinely collects deposits that it refunds to customers on termination of service. *Id.* The Company also refunds customers for any overpayment made past the date of service termination. *Id.* When ATC is unable to locate the customer to whom a refund is owed and the sum is unclaimed for more than one year after termination of services, the sum is presumed abandoned under Idaho’s Unclaimed Property Law. *Idaho Code* § 14-508(1). Currently, ATC has about \$2,000 in unclaimed deposits and overpayments that it has held for more than five years. Application at 1.

ATC wishes to direct the abandoned sums into a financial assistance program to help its low-income and disadvantaged customers. *Id.* at 2. ATC initially sent a letter to the Commission in October 2014, asking to create a program through which the Company could directly assist its low income and disadvantaged customers. *See* October 9, 2014 Letter. After meeting with Staff, ATC’s counsel filed the present Application, amending its initial request.<sup>1</sup>

In this Application, ATC asked to donate its unclaimed deposits and refunds, as contemplated in *Idaho Code* § 14-508, to an existing financial assistance program. Application

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<sup>1</sup> Under Rule 52, pleadings requesting a certificate from the Commission are applications that must set forth the facts, statutes, rules or other controlling law on which they are based, and request the action desired. IDAPA 31.01.01.052. Accordingly, ATC’s request was properly filed as an Application, setting forth the requisite elements under Rule 52.

at 2. Section 14-508(2) authorizes the Commission to certify that a utility is participating in a financial assistance program. Once certified, unclaimed deposits (less any lawful deductions) over a year old, thus presumed abandoned, may be paid to the financial assistance program. Telephone Customer Relations Rule 108, IDAPA 31.41.01.108. ATC identified the proposed recipient of its abandoned funds as the South Central Community Action Partnership (SCCAP) in Twin Falls, Idaho. Application at 2.

ATC requested that SCCAP “use the donated funds to assist [ATC’s] wireline Lifeline customers with the non-recurring payment of the initial connection fees.” *Id.* Under the Company’s proposal, the SCCAP would exercise its discretion in determining recipients’ need-based eligibility, but would report to ATC “within ten days of the end of each calendar quarter how such funds were used until all such funds have been used.” *Id.* The report would also include each recipient’s name and amount of assistance provided, as well as the balance of available funds, if any. *Id.* ATC would donate any unclaimed funds to the SCCAP at the end of each calendar year. *Id.*

ATC asked that the Commission simply approve the Application or process it Modified Procedure. *Id.* at 3.

### **STAFF RECOMMENDATION**

Staff reviewed ATC’s October 2014 Letter and subsequent Application. Staff understands that the funds donated to SCCAP would be used to pay in full, or in part, the one-time service connection fees<sup>2</sup> for low-income persons who are applying for wireline telephone service with ATC. Although Staff had questions about how the Company would operate and oversee an internal financial assistance program as suggested in ATC’s Letter, Staff had no concerns about paying unclaimed funds to the SCCAP per ATC’s Application. Staff understands that the SCCAP routinely determines need-based eligibility of aid-recipients. The SCCAP currently verifies and processes both state and federal eligibility of ATC’s low-income applications pursuant to state and federal requirements.

Given the authority contained in *Idaho Code* § 14-508(2) and the proposed procedure set out in ATC’s Application, Staff recommended the Commission simply approve the Application without further comment. ATC’s Application is consistent with the Unclaimed

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<sup>2</sup> Currently, ATC has three charges that may apply to establishment of new service: a \$12.50 service order charge, a \$25.00 line connection charge, and a \$40 premise visit charge.

Property Law and prior applications seeking such certification. *See, e.g.*, Case Nos. UWI-W-11-03, C10-E-09-01.

### **COMMISSION FINDINGS AND DECISION**

The Commission has reviewed Albion’s Application and considered Staff’s recommendation. Idaho’s Unclaimed Property Law presumes that unclaimed utility deposits are abandoned after one year and permits utilities to pay such funds to a financial assistance program to aid low-income and disadvantaged customers upon certification by the Commission. *Idaho Code* § 14-508(2). We find ATC’s proposal is consistent with the statute. The Commission further finds that the SCCAP is an established financial assistance program providing aid to low-income and disadvantaged persons and is well-suited to receive and allocate ATC’s donated funds as contemplated in the statute and in ATC’s Application.

To “secure just, speedy and economical determination” of the issues before it, the Commission may depart from Modified Procedure rules – unless prohibited by statute – when compliance with those rules would be “impracticable, unnecessary or not in the public interest.” Rule 13, IDAPA 31.01.01.013. The Commission finds the circumstances here warrant such dispensation.

Certification of ATC’s proposal without undue delay is in the public interest. We find in this instance, that requesting comments prior to issuing our certification is impracticable and unnecessary. There being no reason to delay its decision, the Commission grants ATC’s Application for certification. Albion shall pay unclaimed funds to the SCCAP and comply with the following requirements: (1) ATC will direct the South Central CAP to use donated funds to assist its wireline Lifeline customers with the non-recurring payment of initial connection fees; (2) fund-recipients’ need-based eligibility shall be determined by the SCCAP; (3) ATC will continue to donate any abandoned funds – per *Idaho Code* § 14-508(1) – to the SCCAP at the end of each calendar year.

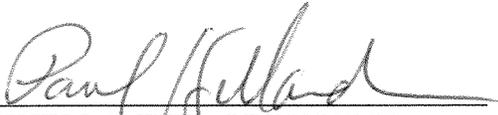
### **ORDER**

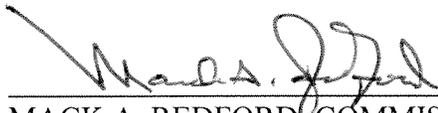
IT IS HEREBY ORDERED that Albion Telephone Company’s Application for certification to donate unclaimed funds to the South Central Community Action Partnership is granted as discussed herein.

IT IS FURTHER ORDERED that the Commission Secretary forward a copy of this Order to the State Treasurer.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

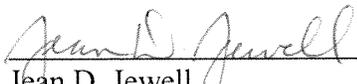
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 16<sup>th</sup> day of December 2014.

  
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PAUL KJELLANDER, PRESIDENT

  
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MACK A. REDFORD, COMMISSIONER

  
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MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

O:ALB-T-14-02\_djh