

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION**

**31-41.01 - CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS  
PROVIDING LOCAL EXCHANGE OR INTRASTATE MTS/WATS SERVICE IN  
IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION BY THE IDAHO  
PUBLIC UTILITIES COMMISSION UNDER THE PUBLIC UTILITIES LAW OR THE  
TELECOMMUNICATIONS ACT OF 1988  
(THE TELEPHONE CUSTOMER RELATIONS RULES)**

**DOCKET NO. 31-4101-0401**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 61-507, 62-615(3), 62-622(5), Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing 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 20, 2004. 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 agency address below.

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

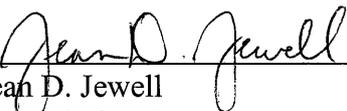
The Commission is proposing several changes to its Telephone Customer Relations Rules that address deposits, medical certificates and adoption of the updated federal slamming regulations. First, the Commission is proposing to amend Rule 109 and to promulgate a new Rule 111. These changes concern customer deposits or advance payments to obtain utility service. New Rule 111 implements Section 14-508, Idaho Code, that states any deposit or advance payment made to obtain utility service that is unclaimed for more than one (1) year after termination of service is presumed to be abandoned property. Rule 111 would allow a telephone corporation to forward abandoned deposits or advance payments to “financial assistance programs” that assist low-income and disadvantaged customers with paying their telephone bills. Second, the proposed revisions to Rule 308 are intended to eliminate ambiguities and clarify the procedures for issuing and obtaining a medical certificate. In instances of a customer’s or family member’s serious illness or medical emergency, a certificate may postpone termination of telephone service. Finally, Rule 702 adopts the updated version of slamming regulations promulgated by the Federal Communications Commission. “Slamming” is the unauthorized change of a customer’s selected provider of local or long-distance telephone service.

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

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rule changes are minor and conform to Section 14-508, Idaho Code, and adopted federal regulations.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Beverly Barker at (208) 334-0302. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED at Boise, Idaho this 17<sup>th</sup> day of August 2004.



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**IDAPA 31  
TITLE 41  
CHAPTER 01**

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**RULES 101 THROUGH 199 - RESIDENTIAL AND SMALL BUSINESS  
DEPOSIT AND GUARANTEE PRACTICES**

(BREAK IN CONTINUITY OF SECTIONS)

**109. RECEIPT FOR DEPOSIT--RECORDS OF DEPOSITS (RULE 109).**

**01. Receipts.** Each customer paying a deposit ~~must~~ shall be given a receipt containing or otherwise be provided with the following information: (7-1-93)(\_\_\_\_\_)

- a. Name of customer and service address for which deposit is held; (7-1-93)
- b. Date of payment; (7-1-93)
- c. Amount of payment; and (7-1-93)
- d. Statement of the terms and conditions governing the return of deposits. (7-1-93)

**02. Retention Of Records.** Each telephone company shall maintain records that will enable a customer entitled to a return of a deposit to obtain a refund even though the customer may be unable to produce the receipt for the deposit. These records must include the name of each customer, the service locations and telephone number(s) of the customer while the deposit is retained, and the date(s) and amount(s) of the deposits. The telephone company shall retain records of deposits that have been refunded to customers for a period of three (3) years after the date of refund. The telephone company shall retain ~~these records of unclaimed deposits for a period of seven (7) years~~ as required by ~~the Unclaimed Property Act, Sections 14-501 et seq., Idaho Code, and in particular Section 14-531, Idaho Code, (ten years).~~ (7-1-93)(\_\_\_\_\_)

**03. Transfer Of Records.** Upon the sale or transfer of any telephone company or any of its operating units, the seller shall certify to the Commission that it has a list showing the names

of all customers whose service is transferred and who have a deposit on file, the date the deposit was made and the amount of the deposit. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

**111. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 111).**

**01. Presumption of Abandonment.** Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain local exchange service, message telecommunications service (MTS), or other services that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. ( )

**02. Financial Assistance Program.** A telephone company may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be abandoned to a financial assistance program which assists the telephone company's low income and disadvantaged customers with payment of utility bills. The telephone company shall remain obligated to file its report of such abandoned property as required by Section 14-517, Idaho Code, and retain records as required by Section 14-531, Idaho Code. ( )

**1112. -- 199. (RESERVED).**

(BREAK IN CONTINUITY OF SECTIONS)

**308. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 308).**

**01. Medical Certificate--Postponement Of Termination of Local Exchange or MTS Services.** A telephone company offering local exchange or MTS service between a residential customer and the customer's nearest community providing necessary medical facilities or services must postpone termination of local exchange or MTS service to a residential customer for thirty (30) calendar days from the date of the receipt of a ~~current~~ written certificate signed by a licensed physician or public health official with medical training ~~that states:~~ The certificate must contain the following information: (1-5-95)( )

a. A statement that ~~The~~ customer, a member of the customer's family, or other permanent resident of the premises where service is provided, is seriously ill or has a medical

emergency or will become seriously ill or have a medical emergency because of termination of service; and that (7-1-93)

~~b.~~ Termination of local exchange service would adversely affect the health of that customer, member of the customer's family, or resident of the household. (7-1-93)(\_\_\_\_)

~~02. Contents Of Medical Certificate.~~ This certificate must be in writing and show clearly

b. If the customer requests that termination of MTS service be postponed, a statement that termination of MTS service would impair the customer's ability to communicate with necessary medical facilities or services. (\_\_\_\_)

c. The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer, and (\_\_\_\_)

d. the nature of the serious illness or medical emergency, and ~~t~~The name, title, and signature of the person giving notice of or certifying the serious illness or medical emergency.

(7-1-93)(\_\_\_\_)

**032. Restoration Of Service.** If local exchange or MTS service has already been terminated when the medical certificate is received, the appropriate service ~~must~~ shall be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer ~~must~~ shall receive local exchange and necessary MTS services for thirty (30) calendar days from the telephone company's receipt of the certificate. (1-5-95)(\_\_\_\_)

~~04. Payment Arrangements.~~ Before the expiration of the medical postponement, the customer ~~must make payment arrangements with the telephone company in accordance with Rule 312.~~ (7-1-93)

**053. Second Postponement.** The telephone company must postpone termination of local exchange and necessary MTS service for an additional thirty (30) days upon receipt of a second certificate stating that the serious illness or medical emergency still exists, unless during the period of the first certificate excessive or unwarranted MTS calls were incurred and not paid or the customer refused to enter into payment arrangements. (1-5-95)(\_\_\_\_)

**064. Verification Of Medical Certificate.** The telephone company may verify the authenticity of the certificate and may refuse to delay termination of service if the certificate is a forgery or is otherwise fraudulent. (7-1-93)

**05. Obligation to Pay.** Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. ( )

(BREAK IN CONTINUITY OF SECTIONS)

**702. ADOPTION OF FEDERAL SLAMMING REGULATIONS (RULE 702).**

The Commission adopts the slamming regulations promulgated by the Federal Communications Commission and found at Sections 64.1100 through 64.1170 and 64.1190, Title 47, Code of Federal Regulations (October 1, 2004). Local exchange companies and interexchange carriers shall comply with applicable provisions of the federal regulations adopted by reference except as modified in Section 703 of these rules. (3-15-02)( )