

**DECISION MEMORANDUM**

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER HANSEN  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE**

*RUL-T-04-01*

**FROM: BEVERLY BARKER**

**DATE: JULY 26, 2004**

**RE: PROPOSED REVISIONS TO THE TELEPHONE CUSTOMER  
RELATIONS RULES (IDAPA 31.~~21~~.01)  
41.01**

Staff recommends that the Commission consider amending its Telephone Customer Relations Rules. What follows is a brief description of the substantive revisions proposed by Staff. Proposed changes to Rules 109 and 308 mirror revisions made to the Utility Customer Relations Rules that became effective earlier this year. A new Rule 111 is proposed to implement the provisions of Section 14-508, Idaho Code. Attached for your review is a marked-up version of the rules, including one "housekeeping" change.

If the Commission wishes to initiate a rulemaking this year, the proposed revisions must be submitted to the Administrative Rules Coordinator by August 25, 2004. The rules will be published in the October issues of the Administrative Bulletin. After publication, public comment will be accepted. The Staff will then submit an analysis of the comments and the Commission may then decide whether to adopt the proposed rules as pending rules.

Staff proposes the following amendments:

**Rule 109 Receipt for Deposit – Records of Deposit**

**Subsection .02 – Retention of Records**

- Adds a provision covering deposits that have been refunded by the utility. The time frame specified (3 years) is derived from the NARUC's "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities".
- Updates record retention period for unclaimed deposits to reflect current state law.

**IDAPA 31  
TITLE 41  
CHAPTER 01**

**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)**

**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

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

~~b.~~ Termination of 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.~~ ~~†~~The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer, and ( )

~~c.~~ ~~the nature of the serious illness or medical emergency, and~~ ~~†~~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 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)

(7) Commencing two (2) years after the effective date of this chapter, every change of beneficiary form issued by an insurance company under any life or endowment insurance policy or annuity contract to an insured or owner whose is a resident of this state must request the following information:

- (a) The name of each beneficiary, or if a class of beneficiaries is named, the name of each current beneficiary in the class;
- (b) The address of each beneficiary; and
- (c) The relationship of each beneficiary to be insured. [I.C., § 14-507, as added by 1983, ch. 209, § 2, p. 563.]

**Compiler's notes.** Former § 14-507 was repealed. See Compiler's notes, § 14-501.

**14-508. Deposits held by utilities.** — (1) A deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful deductions, that remains unclaimed by the owner for more than one (1) year after termination of services for which the deposit or advance payment was made is presumed abandoned.

(2) The public utilities commission may certify that a utility is participating in a financial assistance program which assists the utility's low income and disadvantaged customers with their utility bills. Upon certification to the administrator, the utility shall pay the funds which would have been presumed to be abandoned under subsection (1) of this section to the financial assistance program certified by the public utilities commission. The utility shall remain obligated to file its report of such abandoned property as required by section 14-517, Idaho Code. [I.C., § 14-508, as added by 1983, ch. 209, § 2, p. 563; am. 1997, ch. 399, § 5, p. 1262.]

**Compiler's notes.** Former § 14-508 was repealed. See Compiler's notes, § 14-501. Sections 4 and 6 of S.L. 1997, ch. 399 are compiled as §§ 14-504 and 14-512. Sec. to sec. ref. This section is referred to in § 14-524.

**14-509. Refund held by business associations.** — Except to the extent otherwise ordered by the court or administrative agency, any sum that a business association has been ordered to refund by a court or administrative agency which has remained unclaimed by the owner for more than one (1) year after it became payable in accordance with the final determination or order providing for the refund, whether or not the final determination or order requires any person entitled to a refund to make a claim for it, is presumed abandoned. [I.C., § 14-509, as added by 1983, ch. 209, § 2, p. 563.]

**Compiler's notes.** Former § 14-509 was repealed. See Compiler's notes, § 14-501.

**14-510. Stock.** — (1) Existence of stock or other interest in a corporation, partnership, or other entity, if a dividend or interest has been declared or payable as a result of the association's operations.

(2) At the expiration of the period specified in the instrument, if there have been dividends, distributions, or other payments payable to the owner, within the period specified in the instrument, the sum payable as a result of the association's operations shall be presumed abandoned.

(3) The sum payable to the owner, at the time a dividend or distribution is made, shall be presumed abandoned if it has not been claimed by the owner within the period specified in the instrument.

(4) At the time a dividend or distribution is made, the sum payable to the owner shall be presumed abandoned if it has not been claimed by the owner within the period specified in the instrument.

(5) This chapter shall not apply to any interest in a corporation, partnership, or other entity, unless the record owner has not given notice of the interest in subsection (1) of this section. [I.C., § 14-510, as added by 1992, ch. 21, § 1.]

**Compiler's notes.** Former § 14-510 was repealed. See Compiler's notes, § 14-501. Sections 1 and 3 compiled as §§ 14-511 and 14-512.