

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. 31-4101-0901

RUL-T-09-01

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Public Utilities Commission and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-507, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The Commission is amending the text of Rules 005, 102, 201, 303, 304, 308, 309, and 604 in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this Bulletin and all other proposed rules are being adopted as pending rules. The complete text of all the proposed rules was published in the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 273-300.

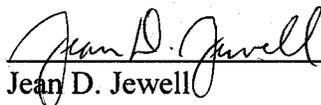
Based upon the written comments filed with the Commission, the Commission made several clarifying changes to the proposed rules. Rule 5 was changed to make the rule consistent with statutory definition of small business service. The word "cash" was removed from Rule 102 to recognize that electronic payments are possible, and Rules 303 and 304 were clarified to allow for electronic forms of payment and notice. Rule 201 was changed to allow customers to choose to pay by automatic charges to checking accounts or credit cards, and also agree to terms that do not require a payment date on billing statements when choosing automatic payment methods. Rule 604 reduces notice to customers from thirty (30) days to ten (10) days, as is required by statute, and language is added to clarify the notice requirement applies to rate

increases. After reviewing the comments on Rule 309, Restrictions on Termination of Local Exchange Service, the Commission determined to leave the existing rule (Rule 311) unchanged and encourage suggestions for refinement of the rule next year.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weldon B. Stutzman, Deputy Attorney General, at (208) 334-0318.

DATED this 13th day of November 2009.



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005. DEFINITIONS (RULE 5).

The following definitions are used in this title and chapter:

(7-1-93)

~~01. Applicant. Unless restricted by definition within a rule or a group of rules to a particular class of service, "applicant" means any potential customer who applies for a service from a telephone company. "Applicant" does not include minors not competent to contract. Telephone companies may decline to recognize minors not competent to contract as applicants and may require an adult or minor competent to contract to join a minor not competent to contract as an applicant.~~

~~(7-1-99)~~

~~021. Customer. Unless restricted by definition within a rule or a group of rules to a particular class of service, "customer" means any person who meets the terms outlined in Subsections 005.02.a. through 005.02.d. below, and any person contractually or otherwise lawfully authorized to represent such party. If the person selecting, receiving, or canceling service is not the same person as the one assuming responsibility for payment of service, the latter is the customer for purposes of receiving refunds, etc. A "customer" is a person or entity who has requested service or currently receives service from a telephone company or has assumed responsibility for payment of service provided to another person or entity.~~

~~(7-1-99)~~

~~a. Has applied for;~~

~~(7-1-93)~~

~~b. Has been accepted; and~~

~~(7-1-93)~~

~~c. Is currently:~~

~~(7-1-93)~~

~~i. Receiving service from a telephone company; or~~

~~(7-1-93)~~

~~ii. Assuming responsibility for payment of service provided to another or others.~~

~~(7-1-93)~~

~~d. Any person whose service has been temporarily disconnected for non-payment shall continue to be a "customer" for the purposes of these rules until such time as service is permanently disconnected.~~

~~(7-1-99)(____)~~

~~03. Good Credit. "Good credit" means payment by a customer for the most recent twelve (12) consecutive month period of all undisputed bills due the telephone company before temporary or permanent termination of service.~~

~~(7-1-93)~~

~~042. Local Exchange Company (LEC). "Local exchange company" (LEC) is a telephone company providing local exchange service to end-users. "Local exchange company" includes "incumbent telephone corporations," as defined in Section 62-603(6), Idaho Code, and telephone corporations granted a Certificate of Public Convenience and Necessity by the Commission to compete with incumbent telephone corporations.~~

~~(7-1-99)(____)~~

~~05. MTS Company or Interexchange Carrier. "MTS company" or "interexchange carrier" means a telephone company providing MTS service.~~

~~(7-1-93)~~

063. Message Telecommunications Service (MTS). "MTS" (commonly known as "long-distance service") means the transmission of two-way interactive switched voice communication between local exchange areas ~~for which charges are made on a per-unit basis as defined in Section 62-603(8), Idaho Code, and wide area telecommunications service (WATS) or its equivalent.~~ (7-1-99)()

07. Operator and Directory Assistance Services. ~~Operator and directory assistance services are telephone services that include (but are not limited to) intercept, call completion and assistance, and directory assistance services, whether local, MTS, or both.~~ (7-1-93)

084. Other Services. "Other services" mean all services except local exchange and MTS services provided, billed, or collected by a telephone company. (1-1-95)

095. Residential Telephone Service. "Residential telephone service" means telecommunication service furnished and maintained at a dwelling primarily for personal or domestic purposes and not for business, professional or institutional purposes, i.e., service provided to residential customers as defined in Section 62-603(9), Idaho Code. (7-1-99)()

106. Small Business Telephone Service. "Small business telephone service" means telecommunication service furnished to a business or institutional entity, whether an individual, partnership, corporation, association or other business or institutional form, for occupational, professional, or institutional purposes, to customers who do not subscribe to more than five (5) local access lines within a building which are billed to a single billing location, i.e., service provided to small business customers as defined in Section 62-603(11), Idaho Code. (7-1-99)()

107. Telephone Company. Unless further restricted by definition within a rule or a group of rules, "telephone company" means any entity subject to this Commission's regulation as a provider of telecommunication services to end-users ~~(either local exchange or MTS/WATS)~~ under the Public Utilities Law (Idaho Code, Title 61, Chapters 1-7) or subject to this Commission's authority under the Telecommunications Act of 1988, as amended, (Idaho Code, Title 62, Chapter 6), except mutual, non-profit or cooperative telephone corporations or the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq). (7-1-99)()

(BREAK IN CONTINUITY OF SECTIONS)

1042. WRITTEN EXPLANATION FOR DENIAL OF SERVICE OR REQUIREMENT OF DEPOSIT -- LECS (RULE 1042).

Upon request of the applicant or customer, if the local exchange company must require a cash deposit as a condition of providing service, then it shall immediately provide an written explanation to the applicant or customer stating the precise reasons why it requires a deposit or denies service is required. The applicant or customer shall be given an opportunity to rebut these reasons. The applicant or customer must be orally notified of the right to a written explanation In the event of a dispute, the customer must be advised that an informal or formal complaint may be filed with the Commission. (7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

201. ISSUANCE OF BILLING STATEMENTS -- CONTENTS OF BILLS -- RESIDENTIAL AND SMALL BUSINESS SERVICE (RULE 201).

01. Local Exchange Service. Billing statements for residential and small business local exchange service shall must be issued on a regular basis. ~~Bills, and~~ must contain the following information: (7-1-93)(____)

a. The billing date the billing statement is issued; (7-1-93)(____)

b. The time period covered by the billing statement; (7-1-93)(____)

c. The due date of the bill by which payment must be received, unless the customer has authorized automatic monthly payment. If automatic payment is authorized, the customer must be informed in writing when funds will be withdrawn from a bank account or charged to a credit card account. In addition, the billing statement must state the actual or earliest possible date that funds will be withdrawn or the credit card charged unless the customer consents otherwise in writing at the time automatic payment is authorized; (7-1-93)(____)

d. Any amounts transferred from another account; (7-1-93)

e. Any amounts past due; (7-1-93)

f. Any payments or credits applied to the customer's account since the last bill;(7-1-93)

g. The total amount due; (7-1-93)

h. ~~Names of other~~ all telephone companies or entities that are not telephone companies whose providing goods and services are also being for which the customer is billed, identification sufficient information to readily identify the goods and of the service(s) billed provided, and the amount(s) of those billings charged; (7-1-93)(____)

i. ~~The mailing address(es) or toll-free telephone number(s) available to customers in the service territory for answering inquiries and resolving complaints about telephone goods and services billed;~~ (7-1-93)(____)

~~j. An itemization of all non-recurring charges; and~~ (7-1-93)

~~kj. An itemization of the following recurring charges: total local exchange service bill (mileage or zone charges and charges for extended area service may be included in the total rather than as separate items), touch tone capability, custom calling features, directory listings, wire maintenance plans, equipment leases, and governmentally imposed for goods and services~~

provided to the customer and any associated fees, taxes, surcharges or subscriber line charges. All other recurring charges may be included in a miscellaneous billing category if the local exchange company explains the charges in writing pursuant to IDAPA 31.41.02.101. Charges for each element of packaged services, local measured service good or service provided as part of a package under a single price, or other calling plans in which individual calls are not billed at a flat rate regardless of usage need not be separately itemized if the local exchange company provides an explanation of those services pursuant to IDAPA 31.41.02.101. (7-1-93)()

02. MTS Bills. In addition to the requirements of Rule 201.01, bills for MTS service must ~~itemize for all MTS calls~~ identify the number called and the date, time, duration, destination and charge for each call, unless the customer has selected a flat rate calling plan. For collect and third-party calls the MTS provider must also itemize the origin of the call. (7-1-93)()

03. Billing for Other Services. No telephone company may send demand letters or initiate collection efforts for any amount owed by a customer who subscribes to or is billed for services other than local exchange service and MTS services ~~or services~~ provided by another telephone company unless the bill separately lists those services as required by this rule. (7-1-93)()

04. Customer Request for Less Detail. Upon customer request, telephone companies may provide billing statements containing less detail than required by this rule. Telephone companies must make available without charge detailed billing information for the preceding twelve (12) months to those customers who have elected to receive less detail on monthly billing statements but subsequently request more detail. ()

(BREAK IN CONTINUITY OF SECTIONS)

3043. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 3043).

01. Seven-Day Initial Notice. If the telephone company intends to terminate local exchange service under Rule 3021, it must send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to receiving electronic notification. This written notice must contain the information required by Rule 3064. (3-30-01)()

02. Twenty-Four Hour Final Notice. At least twenty-four (24) hours before actual termination, the telephone company must diligently attempt to contact the customer affected to apprise the customer of the proposed action and the steps to the customer must take to avoid or delay termination. This oral notice must contain the same information required by Rule 3064. (3-30-01)()

03. Additional Notice. If the telephone company has not terminated service within

twenty-one (21) days after the proposed termination date as specified in a written notice, the telephone company must again provide notice under Subsections 3043.01 and 3043.02 if it still intends to terminate service. (3-30-01)()

04. Failure to Pay—Payment with Dishonored Check. No additional notice of termination is required if, upon receipt of a termination notice: (3-30-01)()

a. The customer makes a payment arrangement and subsequently fails to keep that arrangement; or (3-30-01)()

b. The customer tenders payment with a dishonored check; or (7-1-99)()

c. Makes an electronic payment drawn on an account with insufficient funds. ()

(BREAK IN CONTINUITY OF SECTIONS)

3064. CONTENTS OF NOTICE OF INTENT TO TERMINATE LOCAL EXCHANGE SERVICE (RULE 3064).

01. Contents of Notice. The written, electronic or oral notice of intent to terminate local exchange service required by Rule 3043 must state: (1-5-95)()

01a. The Reasons. The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (7-1-93)()

02b. Actions. Actions the customer may take to avoid termination; (7-1-93)()

03c. Certificate of Serious Illness or Medical Emergency. That a certificate notifying the local exchange company of a serious illness or medical emergency in the household may delay termination under Rule 3086; (1-5-95)()

04d. Complaint May be Filed. That an informal or formal complaint concerning termination may be filed with the telephone company or the Commission, and that service will not be terminated on grounds relating to the dispute between the customer and telephone company before resolution of the complaint (the Commission's mailing address, Internet address, and telephone number must be given to the customer); (7-1-99)()

05e. Telephone Company Willing to Make Payment Arrangements. That the telephone company is willing to make payment arrangements (in a written notice this statement must be in bold print); and (7-1-99)()

06f. Partial Payments. What amount must be paid in order to avoid termination of local exchange service and that for purposes of disconnection, partial payments will be applied toward past due charges for local exchange service charges first, ~~unless the customer requests~~

otherwise, and that charges for services other than local exchange services cannot be used as a basis for disconnection. (7-1-99)()

(BREAK IN CONTINUITY OF SECTIONS)

3108. INSUFFICIENT GROUNDS FOR TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 3108).

01. Termination Prohibited. No customer shall be given notice of termination of local exchange services nor shall the customer's local exchange service be terminated if the unpaid bill for local exchange service cited as grounds for termination is: (1-1-95)()

~~01a. Less Than Fifty Dollars.~~ The customer's unpaid bill cited as grounds for termination is Less than fifty thirty (\$50 30) dollars; (7-1-99)()

~~02b. Telephone Service to any Other Customer or Former Customer.~~ The unpaid bill cited as grounds for termination is For telephone service provided to any other customer or former customer (unless that customer has a legal obligation to pay the other bill) or for any other a class of service: (business or residential) other than the one to which the customer currently subscribes; (1-1-95)()

~~03c. Results From the Purchase of MTS and Other Services.~~ The unpaid bill cited as grounds for termination of service results from the purchase of For MTS and or other goods and services provided by the telephone company or for which the telephone company bills; including but not limited to; (1-1-95)()

a. Directory advertising; (1-1-95)

b. Information services, operator services or other services not provided by local exchange companies; (1-1-95)

c. Leased or purchased customer premises equipment or other merchandise; or (1-1-95)

d. Inside wire maintenance. For service provided four (4) or more years ago unless the customer made a payment on the bill within the past four (4) years, or the customer signed a written payment agreement and then failed to pay; (3-30-01)()

e. The subject of an informal or formal complaint filed with the Commission; or ()

f. Is at issue in a case pending before a court in the state of Idaho unless termination is authorized by court order. ()

~~04. Other Person Has an Unpaid Balance for Service.~~ The customer lives at a

~~residence where another person lives and the other person has an unpaid balance for service, except when the customer has a legal obligation to pay the other persons's bill. (1-1-95)~~

34409. RESTRICTIONS ON TERMINATION OF LOCAL EXCHANGE SERVICE -- OPPORTUNITY TO AVOID TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 34409).

01. When Termination Not Allowed. Unless the customer affected has consented in writing, local exchange service shall not be terminated on any Friday after twelve noon or on any Saturday, Sunday, legal holidays recognized by the state of Idaho, or after twelve noon on any day immediately before any legal holiday, or at any time when the telephone company's business offices are not open for business, except as authorized by Rules 3032.01 and 3032.02, or for non-residential customers, as authorized by any Subsection of Rule 3032. Local exchange services may be terminated only between the hours of 8 a.m. and 4 p.m., except as authorized by Rules 3032.01 and 3032.02. (1-1-95)()

02. Personnel to Authorize Reconnection. Each telephone company providing local exchange service shall have personnel available after the time of termination who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the telephone company's satisfaction. Customers may be asked to pay reconnection fees before restoration of service. (1-1-95)

03. Service to Persons Not Customers. If local exchange service is provided to a residence and the account is in the name of one who does not reside there, the telephone company, prior to termination, shall notify the person(s) receiving service and afford the person(s) a reasonable opportunity to negotiate directly with the telephone company to purchase service in the resident's(s') own name(s). (1-1-95)

04. No Termination While Complaint Pending. Except as authorized by order of the Commission or of the Judiciary, local exchange service shall not be terminated for failure to pay amounts in dispute while a complaint over that telephone service filed pursuant to Rule 4021 is pending before this Commission or while a case placing at issue payment for that telephone service is pending before a court in the state of Idaho. (1-1-95)()

(BREAK IN CONTINUITY OF SECTIONS)

604. PUBLIC NOTICE (RULE 604).

Telephone companies must give "public notice" of all proposed changes in rates as required by Section 62-606, Idaho Code. Public notice must be reasonably designed to call affected customers' attention to the proposed changes in rates. Legal advertisements alone will not be considered adequate public notice. Individual notice to all customers affected will always constitute public notice. Notices of rate increases must be provided to individual customers at least ten (10) days before change is effective. ()