

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION**

RECEIVED

**31.41.01 – CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS  
PROVIDING SERVICES IN IDAHO SUBJECT TO CUSTOMER SERVICE  
REGULATION BY THE IDAHO PUBLIC UTILITIES COMMISSION  
(THE TELEPHONE CUSTOMER RELATIONS RULES)**

2012 JUL 26 AM 10:38

IDAHO PUBLIC UTILITIES COMMISSION

**DOCKET NO. 31-4101-1201**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 3, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 61-515, 62-605(5)(b), and 62-622(5), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2012.

The hearing site(s) 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The IPUC adopted changes to IDAPA 31.41.01.502, effective July 3, 2012, by approving a stipulation signed by IPUC Staff and telephone companies affected by the rule. The proposed change was initiated by the telephone companies who face competitive pressures that did not exist in 1993 when the rule was promulgated. Particular references to Rule 502 in Rule 500 and Rule 501 are deleted to coincide with the changes to Rule 502.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The change to IDAPA 31.41.01.502 confers an economic benefit on telephone companies who currently face competition in local telephone markets. The rule change (a) increases time to restore service when outages occur, (b) eliminates penalty payments, and (c) eliminates automatic reporting requirements. Adopting the rule change as temporary allows benefit to be immediately effective.

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

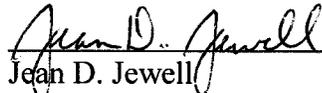
**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was conducted through a public workshop on April 30, 2012, and by written comments received by electronic mail. Members of the public and representatives of at least twelve (12) telecommunications companies participated in the informal negotiated rulemaking process.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Weldon B. Stutzman, Deputy Attorney General, at (208) 334-0318.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before September 26, 2012. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 26<sup>th</sup> day of July 2012.



\_\_\_\_\_  
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Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:

472 W Washington  
Boise, Idaho 83702-5918

**IDAPA 31  
TITLE 41  
CHAPTER 01**

**31.41.01 - CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS  
PROVIDING SERVICES IN IDAHO SUBJECT TO CUSTOMER SERVICE  
REGULATION BY THE IDAHO PUBLIC UTILITIES COMMISSION  
(THE TELEPHONE CUSTOMER RELATIONS RULES)**

**500. QUALITY OF SERVICE (RULE 500).**

**01. Service Standards.** Each telephone company providing local exchange service pursuant to Title 61 or Title 62, Idaho Code, as applicable, and each eligible telecommunications carrier (ETC) is required to employ prudent management and engineering practices to ensure that customers receive the best quality of service practicable. Each telephone company is required to adopt and pursue a maintenance program aimed at achieving efficient operation of its systems to render safe, adequate and uninterrupted service. These programs must include guidelines for keeping all plant and equipment in good repair, including the following: (3-29-10)

a. Broken, damaged or deteriorated equipment must be promptly repaired or replaced; and (7-1-93)

b. Transmission problems (including induction, cross-talk, or other poor transmission on any line) must be promptly corrected when located or identified. (7-1-93)

**02. Service Outage.** If a customer's local telephone service quality deteriorates to such an extent that the customer cannot make local calls or cannot receive local calls or cannot use the service for voice grade communication because of cross-talk, static or other transmission problem, the telephone company must respond to a customer's report of such a "service outage" in accordance with Rule 502. ~~Customer's bills must be appropriately and automatically credited pursuant to the terms of Rule 502.~~ (3-29-10)(7-3-12)T

**501. RESPONSE TO SERVICE OUTAGE (RULE 501).**

**01. Receipt and Recording of Reports.** Each telephone company providing local exchange service shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of and response to all reports. The telephone company shall maintain an accurate record of trouble reports made by its customers. This record shall include accurate identification of the affected customer or service, the time, date and nature of the report, the action taken to clear the trouble or satisfy the customer, and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within two (2) years of the date of the record. (3-29-10)

**02. Repair Commitments.** Commitments to customers for repair service shall be set in accordance with Rule 502. Each telephone company shall make every reasonable attempt to fulfill repair commitments to customers. Customers shall be timely notified of unavoidable changes. ~~Failure to meet a repair commitment does not relieve the telephone company of the credit provisions in Rule 502.01, unless the customer fails to keep an appointment the customer agreed to when the original commitment was made.~~ (3-29-10)(7-3-12)T

## **502. REPAIR SERVICE STANDARDS (RULE 502).**

**01. Restoration of Service.** When a telephone company providing local exchange service is informed by a customer of a service outage as described in Rule 500.02, the telephone company must restore service within forty-eight (48) hours after the report of the outage, except: (3-29-10)(7-3-12)T

a. ~~Restore service within sixteen (16) hours after the report of the outage if the customer notifies the telephone company that the service outage creates an emergency for the customer~~ For outages reported on Thursday, the company must restore service no later than the following Monday by 6 p.m.; or and (7-1-93)(7-3-12)T

b. ~~Restore service within twenty four (24) hours after the report of the outage if no emergency exists, except that outages reported between noon on Saturday and 6 p.m. on the following Sunday must be restored within forty eight (48) hours or by 6 p.m. on the following Monday, which ever is sooner. If the telephone company does not restore service within the times required by this Rule the telephone company must credit the customer's account for an amount equal to the monthly rate for one (1) month of basic local exchange service~~ For outages reported on Friday, Saturday or Sunday, the company must restore service no later than the following Tuesday by 6 p.m.. (7-1-93)(7-3-12)T

**02. Extenuating Circumstances.** Following disruption of telephone service caused by natural disaster or other causes not within the telephone company's control and affecting large groups of customers, or in conditions where the personal safety of an employee would be jeopardized, the telephone company is ~~not~~ required to ~~provide the credit referred to in Rule 502.01 as long as it~~ uses reasonable judgment and diligence to restore service, giving due regard for the needs of various customers. When a customer causes the customer's own service outage or does not make a reasonable effort to arrange a repair visit within the service restoration deadline, or when the telephone company determines that the outage is attributable to the customer's own equipment or inside wire, the telephone company is not required to ~~provide to that customer the credit referred to in~~ meet the restoration timelines of Rule 502.01.

(3-29-10)(7-3-12)T

**03. Compliance Standard.** Each month at least ~~ninety~~ eighty percent (980%) of out-of-service trouble reports shall be cleared in accordance with Rules 502.01 and 502.02. ~~The telephone company shall keep a monthly service record as described in Rule 501.01 and shall notify the Commission if the record indicates the ninety percent (90%) level has not been met for a period of three (3) consecutive months.~~ (3-29-10)(7-3-12)T

# RULEMAKING CHECKLIST FORM

**Docket Number (Assigned by the Office of Administrative Rules):** 31-4101-1201

(OAR will assign docket number to Negotiated, Proposed and Temporary rulemakings.)

**IDAPA, Title, and Chapter Number and Chapter Name:**

31.41.01 – Telephone Customer Relations Rules

**Agency:** Idaho Public Utilities Commission

**Agency Contact and Phone Number:** Weldon Stutzman 334-0318

**Legal Authority for rulemaking - Idaho Code Section(s):** 61-302, 61-503, 61-507, 62-605, 62-606, 62-615, and 62-616

**This rulemaking is a: (Check at least one; it may be necessary to check more than one.)**

Negotiated Rulemaking  Proposed Rulemaking  Temporary/Proposed Rulemaking

Temporary Rulemaking  Effective Date of Temporary Rule: July 3, 2012

**Temporary Rule Justification (See Idaho Code Section 67-5226):**

Protection of the public health, safety, or welfare; or

Compliance with deadlines in amendments to governing law or federal programs; or

Conferring a benefit.

Pending Rule  Date Pending Rule Will Become Effective: \_\_\_\_\_

Amendment to Temporary Rule  Rescission of Temporary Rule

Correction to Pending Rule  Vacation of Rulemaking

**Does any portion of this rulemaking impose or increase a fee or charge?**

If yes, provide a specific description along with the citation of the statute authorizing the imposition or increase.

No

**Does this rulemaking have a negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year?**

If yes, include a descriptive summary of the fiscal impact involved.

No

**Does this rulemaking necessitate changes in other rules?**

If yes, please specify.

No

**Does this rulemaking incorporate by reference other documents?**

Specify an exact description of document(s) incorporated by reference.

No.

HAVE YOU...

1. Had your legal counsel review your rulemaking?

2. Received Director, Board or Commission approval for the rulemaking?

HAVE YOU INCLUDED...

1. An approved Proposed/Temporary Administrative Rules Form (PARF)?

2. An electronic version of the Notice and complete text of the rule changes in Microsoft Word?

3. An 8 1/2 by 11 hard copy of the Notice and the complete text of the rule changes?



State of Idaho

**DIVISION OF FINANCIAL MANAGEMENT**

Executive Office of the Governor

**Proposed/Temporary Administrative Rules Form****Section 1 (To be completed by Agency)**

<b>Agency Name:</b> Idaho Public Utilities Commission		<b>STARS Agency Code:</b> 900	<b>Fax Number:</b> 334-3762	<b>Date:</b> 05-10-2012
<b>Contact Person:</b> Joe Leckie/Weldon Stutzman	<b>Title:</b> Executive Administrator Dep. Attorney General	<b>Phone:</b> 334-0331 334-0318	<b>Email:</b> <a href="mailto:joe.leckie@puc.idaho.gov">joe.leckie@puc.idaho.gov</a> <a href="mailto:Weldon.stutzman@puc.idaho.gov">Weldon.stutzman@puc.idaho.gov</a>	
<b>Person Authorizing Rule:</b> Paul Kjellander	<b>Title:</b> President, PUC	<b>Phone:</b> 334-2898	<b>Email:</b> <a href="mailto:paul.kjellander@puc.idaho.gov">paul.kjellander@puc.idaho.gov</a>	

**Section 2 (To be completed by Agency)**

<b>Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation):</b> Idaho Code 61-515; 62-605(5)(b); 62-622(5)	
<b>Title, Chapter, and Possible Docket (IDAPA) Number:</b> Telephone Customer Relations Rules, 31.41.01, 31-4101-1201	
<b>This Rule is:</b> <input checked="" type="checkbox"/> Proposed <input checked="" type="checkbox"/> Temporary	<b>Effective Date:</b> July 1, 2012

**If Temporary Rule:**

Necessary to protect the public health, safety, or welfare; or

Compliance with deadlines in amendments to governing law or federal programs; or

Conferring a benefit.

**If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2):**    N/A

**Provide a fiscal impact statement, both positive and negative, by fund source for all programs affected:**

There is no fiscal impact to the IPUC; the rule change confers economic benefit to telephone companies by eliminating penalties paid to customers, and increasing time to restore basic local telephone exchange service.

**Need for Proposed Rule Change:**

The proposed change to IDAPA 31.41.01.502 was initiated by telephone companies who face competitive pressures that did not exist in 1993 when the rule was implemented.

**Proposed Rule Changes (Summary Only):**

IDAPA 31.41.01.502 is changed to (a) increase time that basic local telephone service outages must be restored, (b) eliminate penalty payments to customers, and (c) eliminate reporting requirements.

**Interest Group(s) or Citizens Affected:**

Telephone companies that provide basic local exchange service and their customers.

**Section 3 (DFM Use Only)**

<b>DFM Analyst Comments:</b>	
<b>DFM Analyst Fiscal Impact Review:</b>	
<b>DFM Analyst Signature &amp; Date:</b>	<b>Recommend:</b>

	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Gov Special Assistant Signature &amp; Date:</b>	<b>Recommend:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>DFM Administrator Signature &amp; Date:</b>	<b>Approval:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Section 4 ( To Be Completed By DFM PARF Coordinator )</b>	<b>Date</b>	<b>Days</b>
Received by DFM from Agency		
Received by DFM Analyst from Coordinator		
Received by Coordinator from Analyst		
Received by Governor's Special Assistant from Coordinator		
Received by Coordinator from Governor's Special Assistant		
Received by DFM Administrator		

Return via email to: [info@dfm.idaho.gov](mailto:info@dfm.idaho.gov)