(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE AMENDMENTS TO RULES GOVERNING CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS, IDAPA 31.41.01.000 ET SEQ. | )))))))) | CASE NO.  31-4101-9801ADOPTION OF PENDING RULESGENERAL ORDER NO. 197 |

In this General Order, the Commission issues pending rules that adopt amendments to the Commission’s Customer Relations Rules for Telephone Corporations (IDAPA 31.41.01). On June 18, 1998, the Commission issued a Notice of Proposed Rulemaking requesting written comments on the Commission’s proposed amendment to itsCustomer Relations Rules no later than August 26, 1998.  The Notice was published in the Administrative Bulletin (Vol. No. 98-8 at 177-188) on August 5, 1998.  No requests for holding a public hearing were received.

Timely comments were filed by the Commission Staff, MCI Telecommunications Corp., AT&T Communications of the Mountain States, U S WEST Communications, the Idaho Telephone Association, GST Telecom Idaho, and GTE Northwest Incorporated and GTE Communications Corporation.  The Commission received late-filed comments from Brittan Communications International Corporation on September 1, 1998.  The Legislative Services Office reported that the Senate and House Subcommittees for review of administrative rules have no objections to the proposed rules.

Based on those comments and its own review of the proposed rules, the Commission has changed those proposed rules, deleting some proposed rules and amending some proposed language.  With those changes, the Commission adopts the proposed rules, as amended, as its pending rules.  Idaho Code § 67-5224.  Appendix A to this Order is a Notice of Pending Rules suitable for transmission to the Administrative Rules Coordinator.  Appendix B to this Order contains the changes to the proposed rules in legislative format reflecting the Commission’s amendments to the originally proposed rules.  Appendix C to this Order contains the pending rules as approved by this Order.

BACKGROUND

The Commission’s Customer Relations Rules for Telephone Corporations (hereinafter the Customer Relations Rules) were last updated in 1995.  Idaho Code §§ 61-302, 61-502, 61-507, 62-605, 62-615, 62-616 and 62-622 authorize the Commission to promulgate Customer Relations Rules for telephone companies.  In this rulemaking the Commission’s final changes, as amended, now fall into two principal categories:  changes to address concerns about “cramming” (invalid or unclear charges for services other than local exchange services) and certain “housekeeping” changes to reflect its current mailing address, correct typos and stray words, insure consistency, provide clarification and other non-substantive changes.  More specifically, to address these cramming problems, the Commission’s pending rules provide that regulated local exchange service charges will be paid first, unless the customer requests otherwise.  Under the existing rules, partial payments are automatically prorated among all the service providers.  This makes it more likely that some customers inadvertently face disconnection for failure to pay disputed charges that are not related to basic local service.

New language is also proposed that prohibits telephone companies from billing for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service, or for other service(s) or merchandise not ordered or otherwise authorized by the customer of record.  It further requires telephone companies to remove charges for these services from the customer’s bill no later than two billing cycles following notice to the telephone company.

FINDINGS

The Commission finds that the pending rules found in Appendix C are reasonable and will provide consumers with additional protections.  The Commission further finds that it is in the public interest for the Commission to adopt these pending rules contingent on legislative review.

GENERAL ORDER

IT IS HEREBY ORDERED that the Commission adopts the pending rules, shown in Appendix C, and orders those be transmitted to the Administrative Rules Coordinator for publication in the December Administrative Bulletin.

THIS IS A FINAL GENERAL ORDER.  Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No.31-4101-9801 May petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. 31-4101-9801.  Within seven (7) days after any person has petitioned for reconsideration, any other person May cross-petition for reconsideration in response to issues raised in the petition for reconsideration.  See section 61-626, Idaho Code.

DONE by ORDER of the Idaho Public Utilities Commission at Boise, Idaho this                     day of October 1998.

                                                                                                                                       DENNIS S. HANSEN, PRESIDENT

                                                                                            RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

October 21, 1998