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, AS AMENDED

(THE TELEPHONE CUSTOMER RELATIONS RULES)

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.

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

02.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.c.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 selecting service(s), cancelling services(s), receiving refunds, etc. (7-1-93)(\_\_\_\_\_\_\_\_)

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.(\_\_\_\_\_\_\_\_)

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)

04.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.(7-1-93)(\_\_\_\_\_\_\_\_)

05.Local Exchange Service. "Local exchange service" means the provision of access lines with the associated transmission of two-way interactive switched voice communications within a local exchange area (including but not limited to connection charges, mileage charges, ETC.), together with services offered by the local exchange company (e.g., call waiting, call forwarding) in conjunction with basic local exchange services as defined in section 62-603(1), Idaho Code.

(7-1-93)

065.MTS Company or Interexchange Carrier. "MTS company" or "interexchange carrier" means a telephone company providing MTS service. (7-1-93)

076.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(68), Idaho Code, and wide area telecommunications service (WATS) or its equivalent. (7-1-93)(\_\_\_\_\_\_\_\_)

087.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)

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

109.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(79), Idaho Code.(7-1-93)(\_\_\_\_\_\_\_\_)

110.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, i.e., service provided to small business customers as defined in Section 62-603(811), Idaho Code.(7-1-93)(\_\_\_\_\_\_\_\_)

121.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. (7-1-93)(\_\_\_\_\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

102.OTHER DEPOSIT STANDARDS PROHIBITED--RESIDENTIAL CUSTOMERS OF LECS (Rule 102).

A local exchange company shall not require a deposit or other guarantee as a condition of new or

continued residential telephone service based upon residential ownership or location, income level,

source of income, employment tenure, nature of occupation, commercial credit records, race, creed,

sex, age, national origin, marital status, number of dependents, or any other criterion not authorized

by these rules. Rules governing deposits shall be applied uniformly. If an applicant for service, either residential or small business, selects a MTS company and arranges to be billed directly by that MTS company, rather than through the LEC, no deposit may be collected by the LEC for MTS services provided by the MTS company. (7-1-93)(\_\_\_\_\_\_\_\_)

103.GUARANTEE IN LIEU OF DEPOSIT--RESIDENTIAL CUSTOMERS OF LECS (Rule 103).

01.Guarantor. In lieu of a deposit required by these rules a local exchange company shall accept a written guarantee of payment for a residential account from another residential customer of the local exchange company. An acceptable guarantor must have good credit. (7-1-93)

02.Guarantee Form. The guarantee form used by each local exchange company must be filed with and approved by this Commission. The guarantee form must state: (7-1-93)

a.The terms of the guarantee, the maximum amount guaranteed, and that the telephone company shall not hold the guarantor liable for sums in excess of that amount; (7-1-93)

b.That the maximum amount guaranteed shall not exceed the amount of the deposit that would have been charged the applicant; and (7-1-93)

c.That the guarantor shall be released from the guarantor's obligation when the customer whose account is guaranteed would be eligible for a return of the customer's deposit if one had been made.(7-1-93)

03.Period of Guarantee. The minimum guarantee period is thirty (30) days. The guarantee shall remain in full force and effect until five (5) days after the local exchange company's receipt of the guarantor's notice of cancellation of the guarantee agreement. (7-1-93)

103.RESERVED.

(BREAK IN CONTINUITY OF SECTIONS)

205.CUSTOMERS WITH GOOD CREDIT--FINAL BILLS BILLING PROHIBITED (Rule 205).

When a customer with good credit voluntarily terminates service with the local exchange company, the final bill shall contain or be accompanied by a statement that the customer had good credit with the local exchange company upon the date the statement was issued. When an applicant for service presents such a statement to a local exchange company (whether from one regulated by this Commission or otherwise), the statement constitutes evidence of good credit in the application for service. However, presentation of such a statement will not require the local exchange company to consider the applicant to have good credit solely on the basis of that statement.(7-1-93)

No person shall bill or cause another person to bill for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other service(s) or merchandise not ordered or otherwise authorized by the customer of record. Any charges for these services that appear on a customer’s bill shall be removed from the customer’s bill no later than two (2) billing cycles following notice to the telephone company. Disputed charges must be removed from the customer’s bill within two (2) months of when customers notify the company that the customer has been unable to either contact or successfully resolve a dispute with the service or goods provider and that the charge is still in dispute. A telephone company that unknowingly submits a bill containing charges for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other service(s) or merchandise not ordered or otherwise authorized by the customer of record shall not be considered in violation of this rule if the disputed amounts are removed from the customer’s bill.(\_\_\_\_\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

207.BILLING FOR OTHER SERVICES (Rule 207).

Telephone company bills for other services shall contain the mailing address(es) or toll-free telephone number(s) available to customers for answering inquiries and resolving complaints about the services billed, sufficient information to readily identify the service provider, the services rendered, the associated specific charges for which the bill is tendered. Notwithstanding any contractual or regulatory provisions to the contrary, no telephone company shall be required to bill its customers on behalf of any person who fails to submit to the telephone company the information necessary to enable it to comply with this rule.(\_\_\_\_\_\_\_\_)

2078 -- 299.(RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

306.CONTENTS OF NOTICE OF INTENT TO TERMINATE LOCAL EXCHANGE SERVICE (Rule 306).

The written or oral notice of intent to terminate local exchange service required by Rule 304 must

state: (1-5-95)

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

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

03.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 308; (1-5-95)

04.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 address and telephone number must be given to the customer); and (7-1-93)(\_\_\_\_\_\_\_\_)

05.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(7-1-93)(\_\_\_\_\_\_\_\_)

06.Partial Payments.  That for purposes of disconnection, partial payments will be applied toward 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.

(\_\_\_\_\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

312.PAYMENT ARRANGEMENTS (Rule 312).

01.Arrangements Allowed. When a customer cannot pay a bill in full, the telephone company may continue to serve the customer if the customer and the telephone company agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the balance of the outstanding bill will be paid.(7-1-93)

02.Reasonableness. In deciding on the reasonableness of a particular agreement, the telephone company will take into account the customer's ability to pay, the size of the unpaid balance, the customer’s payment history and length of service, and the amount of time and reasons why the debt is outstanding. (7-1-93)

03.Application of Payment. Payments are to be applied first to the undisputed balance owed by the customer for local exchange services, and associated installation charges, taxes, and surcharges, unless the customer designates otherwise. A customer may designate how a payment insufficient pay the total balance due shall be applied.  In the absence of instructions from the customer, a partial payment to a local exchange company shall be allocated among the providers based upon the ratio of the undisputed amount due each service provider to the undisputed total amount billed. Such payments shall be applied first to the oldest undisputed balances.

(1-1-95)(\_\_\_\_\_\_\_\_)

04.Notice of Allocation Procedures. The telephone company shall notify customers of its procedures for allocating partial payments in its annual summary of these rules given pursuant to Rule 602.01 and in its written seven-day notice sent pursuant to Rule 304.01. In discussing or negotiating payment arrangements, the local exchange company shall advise the customer what amount of payment the customer shallmust allocate to local exchange service or to MTS service or other services in order to prevent the termination of or restriction of access to those services. If the telephone company successfully contacts the customer pursuant to the requirements of Rule 304.02, the company shall likewise advise the customer of the amounts that the customer must allocate to local exchange service and/or MTS services or other services to avoid termination of those services. (1-1-95)(\_\_\_\_\_\_\_\_)

05.Second Arrangement. If a customer fails to make the payment agreed upon by the date that it is due, the telephone company may, but is not obligated to, enter into a second arrangement. (1-1-95)

06.When Arrangement Not Binding. No payment arrangement binds a customer if it requires the customer to forego any right provided for in these rules. (1-1-95)

313.LOCAL EXCHANGE SERVICE NOT DENIED OR TERMINATED FOR BILLS FOR MTS OR OTHER SERVICES (Rule 313).

01.Local Exchange Services can be Provided and MTS or Other Services Simultaneously Denied or Terminated.  In exchanges where local exchange services can be provided and MTS or other services simultaneously denied or terminated, no telephone company may deny or terminate local exchange service to any customer on the ground that the customer has not paid for MTS or other services.(1-1-95)

02.Request an Exemption.  Any LEC unable to provide local exchange services while denying or terminating MTS or other services may request an exemption from the Commission on an exchange by exchange basis by fully documenting the technical reasons for its inability to comply. (1-1-95)

313.RESERVED.

(BREAK IN CONTINUITY OF SECTIONS)

401.COMPLAINT TO TELEPHONE COMPANY (Rule 401).

01.Subject Matter. A customer or applicant for service may complain to the telephone company about any deposit or guarantee required as a condition of service, billing, termination of service, quality or availability of service, or any other matter regarding telephone company services, policies or practices for local exchange service, MTS, operator and directory assistance services, or other services. The customer or applicant May request a conference with the telephone company, but this provision does not affect any statute of limitation that might otherwise apply. Complaints to the telephone company may be made orally or in writing. A complaint is considered filed when received by the telephone company. In making a complaint or request for conference, the customer or applicant shall state the customer's or applicant's name, service address, telephone number and the general nature of the complaint. (7-1-93)

02.Obligations for Billing Disputes. A local exchange company that bills and collects for other entities is responsible for either addressing complaints for all services and merchandise billed or for providing the customer with the mailing address(es) or toll-free telephone numbers so the customer may contact the supplier of services or merchandise billed. If the customer informs the LEC that another company's charge is disputed, the LEC must stop any payment allocations to the disputed charge. The disputed charge must be permanently removed from the LEC's bill no later than two (2) billing cycles following the billing cycle during which the complaint is registered unless the customer agrees to pay the disputed bill prior to that time. (1-1-95)(\_\_\_\_\_\_\_\_)

03.Conference. Upon receiving a complaint or a request for conference, the telephone company shall promptly, thoroughly and completely investigate the complaint, confer with the customer or applicant when requested, and notify the customer or applicant of the results of its investigation and make a good faith attempt to resolve the complaint. The oral or written notification shall advise the customer or applicant that the customer or applicant may request the Commission to review the telephone company's proposed disposition of the complaint.(7-1-93)

04.Service Maintained. The telephone company shall not terminate service based upon the subject matter of the complaint while investigating the complaint or making a good-faith attempt to resolve the complaint.(7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

404.RESPONSES TO INFORMAL COMPLAINTS (Rule 404).

Within ten (10) business days of receiving notification from the Commission that an informal complaint involving the company has been filed with the Commission, telephone companies must either respond orally or in writing to the Commission. A telephone company will be granted an extension of time to prepare its response if it represents that it is making a good faith effort to resolve the matter in dispute. A full and complete response should be submitted to the Commission no later than thirty (30) days after receipt of notification from the Commission. (\_\_\_\_\_\_\_\_)

4045. -- 500.   (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

504. -- 600. (RESERVED).

603.CHARGES FOR CHANGING PRIMARY INTEREXCHANGE (MTS) COMPANY ACCESS TO EMERGENCY SERVICES  (Rule 606).

If a customer objects to a charge for changing the customer's primary (1+) interexchange (MTS) company, or contends that the customer did not authorize a change in primary the interexchange company, the local exchange company must at the customer's original service provider must be reinstated upon customer request. restore the service of the original primary interexchange company and remove any charges for changing interexchange companies unless the interexchange company requesting the change can show that the customer authorized the change in writing and was informed of the charge for the change in writing.In counties where consolidated emergency communications systems, as defined by Section 31-4802, Idaho Code, are established, the local exchange company shall provide access to those services to all its customers.   (7-1-93)(\_\_\_\_\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

606.REMOVING CHARGES FOR IMPROPERLY CHANGING A CUSTOMER’S TELEPHONE COMPANY (Rule 606).

If a customer objects to a charge for changing the customer's telephone company, and contends that the customer did not authorize a change in the telephone company, the customer's original service provider must be reinstated by the customer’s local exchange company upon customer request.  Any charges for changing telephone companies shall be waived, credited or refunded to the customer but shall be imposed on the telephone company requesting the change unless it can verify the customer authorized the change and was informed of the charge for the change. (\_\_\_\_\_\_\_\_)

607. -- 999. (RESERVED).