

IDAHO PUBLIC UTILITIES COMMISSION
IDAPA 31.41.01
THE TELEPHONE CUSTOMER RELATIONS RULES

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**IDAHO PUBLIC UTILITIES COMMISSION
IDAPA 31.41.01
THE TELEPHONE CUSTOMER RELATIONS RULES**

RULES 0 THROUGH 99 – INTRODUCTION

000. LEGAL AUTHORITY (RULE 0).

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-520, 62-605, 62-606, 62-612, 62-616, and 62-622, Idaho Code, with regard to service.

(3-29-10)

[Amended, 31-4101-0901.]

001. TITLE AND SCOPE (RULE 1).

The name of this chapter is the “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). For companies subject to Commission regulation under Title 62, Idaho Code, these rules apply to companies providing local exchange service as defined in Section 62-603, Idaho Code. This chapter has the following scope: These rules provide a set of fair, just, reasonable, and non-discriminatory rules to address recurring areas of disagreement between local exchange companies and other telephone companies and customers with regard to deposits, guarantees, billing, application for service, denial of service, termination of service, complaints to telephone companies, billing for interrupted service, and provision of certain information about customers to authorities. (3-29-10)

[Amended, 31-4101-0901.]

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES (RULE 2).

For rulemakings conducted before July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the order of proposed rulemaking and review of comments submitted in the order adopting these rules are maintained in the files of the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or by telephone at (208) 334-0300. For rulemakings conducted after July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules.

(3-29-10)

[Amended, 31-4101-0901.]

003. ADMINISTRATIVE APPEALS (RULE 3).

This rule governs consideration of formal complaints and requests for exemption under these rules. Any telephone company or customer requesting and receiving an informal Staff determination with regard to a complaint may formally request the Commission to review the Staff's determination. If unusual or unreasonable hardships result from the application of any of these rules, any telephone company or customer may apply to the Commission for, or the Commission on its own motion may order, a permanent or temporary exemption. A formal complaint or request for exemption must be filed with the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (3-29-10)

[Amended, 31-4101-0901.]

Cross-Reference: IDAPA 31.01.01.

004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).

All requests for waivers of these rules are public records subject to inspection, examination and copying under the Public Records Act. All informal complaints concerning telephone companies' compliance with the requirements of the Public Utilities Law or the Telecommunications Act of 1988 and this Commission's rules and orders are investigatory records exempt from disclosure under the Public Records Act. All formal complaints concerning telephone companies' compliance with these rules are public records subject to inspection, examination and copying under the Public Records Act. (7-1-93)

Statutory Reference: *Idaho Code* §§ 62-602 through 62-624; 9-337 through 9-350.

005. DEFINITIONS (RULE 5).

The following definitions are used in this title and chapter: (7-1-93)

01. Customer. 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. 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. (3-29-10)

02. Local Exchange Company (LEC). "Local exchange company" (LEC) is a telephone company providing local exchange service to end-users. (3-29-10)

03. 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. (3-29-10)

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

05. Residential Service. “Residential 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. (3-29-10)

06. Small Business Service. “Small business 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 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. (3-29-10)

07. 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 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) or the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq). (3-29-10)

[Adopted, G.O. 181; amended, G.O. 189; amended, G.O. 197; amended, 31-4101-0901.]

Statutory Reference: *Idaho Code* § 62-603 (Titles 61 (Ch. 1-7), 62 (Ch. 6), Idaho Code).

Federal Statutory Reference: 47 U.S.C. 151 *et seq.*

006. CITATION (RULE 6).

The official citation of these rules is IDAPA 31.41.01.000 et seq. For example, this rule is cited as IDAPA 31.41.01.006. In documents submitted to the Commission or issued by the Commission, however, these rules may be cited by their short title of Telephone Customer Relations Rules (TCRR) and the parenthetical rule number. For example, this rule may be cited as TCRR 6. (7-1-93)

007. EFFECTIVE DATE -- HISTORY OF RULES (RULE 7).

The Commission has adopted predecessors to these rules beginning in 1980. They were most recently codified at IDAPA 31.D.0 through -.7. They were readopted and reformatted by rulemaking decision in Docket Number 31-4101-9301, effective July 1, 1993. The history of these rulemaking proceedings preceding the initiation of the publishing of the Idaho Administrative Bulletin and the Idaho Administrative Code is available from the Commission Secretary. (7-1-93)

008. EXERCISE OF RIGHTS BY CUSTOMER (RULE 8).

No telephone company shall discriminate against or penalize a customer for exercising any right granted by these rules. (7-1-93)

[Adopted, G.O. 181.]

009. INFORMAL COMPLAINTS AND INTERPRETATION OF RULES (RULE 9).

The Commission may authorize designated staff members to make and give informal interpretations of these rules and tariffs or other filings of telephone companies on record with the Commission, and to investigate complaints made to the Commission. The Commission reserves to itself the authority to issue formal declaratory orders concerning the interpretation of these rules, telephone company tariffs or similar filings, and to resolve formal complaints.

(3-29-10)

[Adopted, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rule 5.

010. CONFLICT WITH TELEPHONE TARIFFS OR PRICE LISTS (RULE 10).

If a telephone company's tariff or price list on file with the Commission contains provisions that deny or restrict customers' rights protected by any of these rules, these rules supersede any conflicting tariff or price list provisions that deny or restrict any of those rights.

(7-1-93)

011. INCORPORATION BY REFERENCE -- CODE OF FEDERAL REGULATIONS (RULE 11).

Rules 701 through 703 incorporate by reference federal regulations issued by the Federal Communications Commission. The incorporated regulations are found in the Code of Federal Regulations available from the U.S. Government Printing Office. Incorporated materials are also available for inspection and copying at the offices of the Public Utilities Commission.

(3-29-10)

[Adopted, G.O. 209; amended, 31-4101-0901.]

Cross Reference: Rules 700-702.

012. -- 099. (RESERVED).**RULES 100 THROUGH 199 – RESIDENTIAL AND SMALL BUSINESS DEPOSIT****100. DEPOSIT REQUIREMENTS -- LECS (RULE 100).**

01. Residential Customers. No company providing local exchange service shall demand or hold any deposit from any residential customer for service without proof that the customer is likely to be a credit risk or to damage the property of the local exchange company or other companies for which it bills. A history of late payment or lack of previous history with the local exchange company does not, in itself, constitute such proof. A local exchange company shall not demand or hold a deposit under this rule as a condition of service from a residential customer unless one (1) or more of the following criteria applies:

(3-29-10)

a. The customer has outstanding a prior residential service account and at the time of application for service remains unpaid and not in dispute.

(3-29-10)

b. The customer's service has been temporarily denied or terminated within the past four (4) years for one (1) or more of the following reasons: (3-29-10)

i. Non-payment of any undisputed delinquent bill; (7-1-93)

ii. Obtaining, diverting or using telephone service without the authorization or knowledge of the telephone company. (7-1-93)

c. The customer does not have verifiable previous telephone service that was in existence for a period exceeding twelve (12) months and does not pass an objective credit screen. (3-29-10)

d. The telephone company has determined that information provided by the customer is materially false or materially misrepresents the customer's true status. (3-29-10)

e. The customer requests service at a residence where a prior subscriber still resides and where any balance for service to that prior subscriber incurred at that location is past due or owing. (3-29-10)

02. Small Business Customers. No local exchange company providing local exchange service shall demand or hold any deposit as a condition of service from any current small business customer for small business service unless one (1) or more of the following criteria apply: (3-29-10)

a. Any of the conditions listed in Rule 100.01 of this rule are present. (3-29-10)

b. The customer has not had previous service with that telephone company. (3-29-10)

c. The customer was delinquent in payment two (2) or more times in the previous twelve (12) months. (7-1-93)

03. Bankrupt Customers. If a customer, either residential or a small business, has sought any form of relief under the Federal Bankruptcy Laws, has been brought within the jurisdiction of the bankruptcy court for any reason in an involuntary manner, or has had a receiver appointed in a state court proceeding, then a deposit may be demanded as allowed by the Federal Bankruptcy Laws. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rules 5, 101, 103, 106.

101. OTHER DEPOSIT STANDARDS PROHIBITED (RULE 101).

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, 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 the customer, either residential or small business, selects another company to provide services and arranges to be billed directly by that company rather than through the local exchange company, no deposit may be collected by the local exchange company for the services provided by the other company. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 197; amended, 31-4101-0901.]

Cross Reference: Rules 5, 100.

102. EXPLANATION FOR DENIAL OF SERVICE OR REQUIREMENT OF DEPOSIT -- LECS (RULE 102).

If the local exchange company requires a deposit as a condition of providing service, then it shall immediately provide an explanation to the customer stating the precise reasons why a deposit is required. The customer shall be given an opportunity to rebut these reasons. In the event of a dispute, the customer must be advised that an informal or formal complaint may be filed with the Commission. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rule 5.

103. AMOUNT OF DEPOSIT -- LECS (RULE 103).

A deposit allowed pursuant to Rule 100 as a condition of service by a local exchange company shall not exceed two (2) months' charges for local exchange service. Additional deposits for damage or other reasons independent of usage may be in reasonable amounts. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 204; amended, 31-4101-0901.]

Cross Reference Rules 5, 100.

104. INTEREST ON DEPOSITS (RULE 104).

01. Interest Payable. Interest will be payable on the deposited amounts at the rate provided by Rule 104.02. Interest will accrue from the date the deposit is made until the deposit is refunded or applied to the customer's bill; however, interest will not accrue on a deposit if: (3-29-10)

a. Service is terminated temporarily at the request of the customer who leaves the deposit with the telephone company for future use as a deposit; or (7-1-93)

b. Service has been permanently terminated and the telephone company has been unsuccessful in its attempt to refund a deposit. (7-1-93)

02. Interest Rate. On or before November 15 of each year, the Commission will determine the twelve-month average interest rate for one-year Treasury Bills for the previous

November 1 through October 31, round that rate to the nearest whole percent, and notify the telephone companies of its determination of this interest rate. That rate will be in effect for the following calendar year for all deposits described in Rule 104.01. (3-29-10)

[Adopted, O.N. 15290; amended, O.N. 21767; amended, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rules 5, 100, 104, 105, 107.

Historical Note: The following interest rates have been in effect since these rules were adopted:

	Period	Interest Rate
May 1, 1980	- June 30, 1981	8%
July 1, 1981	- February 28, 1987	12%
March 1, 1987	- December 31, 1989	7%
January 1, 1990	- December 31, 1990	9%
January 1, 1991	- December 31, 1991	8%
January 1, 1992	- December 31, 1992	6%
January 1, 1993	- December 31, 1993	4%
January 1, 1994	- December 31, 1994	3%
January 1, 1995	- December 31, 1995	5%
January 1, 1996	- December 31, 1997	6%
January 1, 1998	- December 31, 1998	6%
January 1, 1999	- December 31, 1999	5%
January 1, 2000	- December 31, 2000	5%
January 1, 2001	- December 31, 2001	6%
January 1, 2002	- December 31, 2002	4%
January 1, 2003	- December 31, 2003	2%
January 1, 2004	- December 31, 2004	1%
January 1, 2005	- December 31, 2005	2%
January 1, 2006	- December 31, 2006	3%
January 1, 2007	- December 31, 2007	5%
January 1, 2008	- December 31, 2008	5%
January 1, 2009	- December 31, 2009	2%
January 1, 2010	- Forward	1%

105. RETURN OF DEPOSIT -- LECS (RULE 105).

01. Former Customers. Upon termination of service, the deposit, with accrued interest, must be credited to the final bill. The balance of the deposit remaining, if any, must be returned promptly to the customer. (3-30-01)

02. Existing Customers. If the customer has paid all undisputed bills and has no more than one (1) late payment during the past twelve (12) consecutive months of service, the telephone company shall promptly return the deposit (with accrued interest) by crediting the customer's current account or issuing a refund. (3-29-10)

03. Retention During Dispute. The local exchange company may retain the deposit pending resolution of a dispute over termination of service. If the deposit is later refunded to the customer, the local exchange company shall pay interest at the annual rates established in Rule 104 for the entire period over which the deposit was held. (7-1-93)

04. Early Return of Deposit. A local exchange company may refund a deposit plus accrued interest in whole or part at any time before the time prescribed in this rule. (7-1-93)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 207; amended, 31-4101-0901.]

Cross Reference: Rules 5, 104, 107.

106. TRANSFER OF DEPOSIT (RULE 106).

Deposits shall not be transferred from one (1) customer to another customer or between classes of service, except at the customer's request. When a customer with a deposit on file transfers service to a new location within the same telephone company's service area in Idaho, the deposit and any outstanding balance shall be transferred to the account for the new location. (7-1-93)

[Adopted, O.N. 15290; amended, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rules 5, 107.

107. RECORDS OF DEPOSITS (RULE 107).

01. Receipts. Each customer paying a deposit shall be provided the following information: (3-29-10)

- 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. Terms and conditions governing the return of deposits. (3-29-10)

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 location(s) 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 records of unclaimed deposits for a period of seven (7) years as required by Section 14-531, Idaho Code. (4-6-05)

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 of all customers whose service is transferred and who have a deposit on file, the date the deposit was made and the amount of the deposit. (7-1-93)

[Adopted, O.N. 15290; amended, G.O. 181; amended, 31-4101-0401; amended, 31-4101-0901.]

Statutory Reference: *Idaho Code* § 14-531.

Cross Reference: Rule 5.

108. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 108).

01. Presumption of Abandonment. Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain local exchange service or other services that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. (3-29-10)

02. Financial Assistance Program. A telephone company may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be abandoned to a financial assistance program which assists the telephone company's low income and disadvantaged customers with payment of utility bills. The telephone company shall remain obligated to file its report of such abandoned property as required by Section 14-517, Idaho Code, and retain records as required by Section 14-531, Idaho Code. (4-6-05)

[Adopted, 31-4101-0401; amended, 31-4101-0901.]

Statutory Reference: *Idaho Code* §§ 14, 508, 14-517, 14-531.

109. -- 199. (RESERVED).

RULES 200 THROUGH 299 – BILLING

200. FURTHER DEFINITION -- BILLING STATEMENT (RULE 200).

As used in Rules 201 through 205, "bill" or "billing statement" refers to a written request for payment listing charges for goods and services that is mailed or otherwise delivered to the customer for payment. A billing statement may be provided to the customer in an electronic format with the customer's consent. Oral notice of the amount of charges pending is not a bill. Bills include requests for payments for services rendered by other telephone companies or other entities that are not telephone companies. This rule does not apply to billings between or among telephone companies. (3-29-10)

[Adopted, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rules 201-205.

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 must be issued on a regular basis and must contain the following information: (3-29-10)

- a.** The date the billing statement is issued; (3-29-10)

- b.** The time period covered by the billing statement; (3-29-10)
 - c.** The due date 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; (3-29-10)
 - 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 all telephone companies or entities providing goods and services for which the customer is billed, sufficient information to readily identify the goods and services provided, and the amounts charged; (3-29-10)
 - i.** The toll-free telephone number(s) available to customers for answering inquiries and resolving complaints about goods and services billed; (3-29-10)
 - j.** An itemization of charges for goods and services provided to the customer and any associated fees, taxes, surcharges or subscriber line charges. Charges for each good or service provided as part of a package under a single price, or calling plans in which individual calls are billed at a flat rate regardless of usage need not be separately itemized. (3-29-10)
- 02. MTS Bills.** In addition to the requirements of Rule 201.01, bills for MTS service must 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. (3-29-10)
- 03. 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 provided by another telephone company unless the bill separately lists those services as required by this rule. (3-29-10)
- 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. (3-29-10)

[Adopted, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rules 5, 200, 202.

202. DUE DATE OF BILLS -- DELINQUENT BILLS (RULE 202).

The telephone company may require that bills for service be paid within a specified time after the billing date. The minimum specified time after the billing date is fifteen (15) days (or twelve (12) days after mailing or delivery of a paper or electronic bill, if bills are mailed or delivered more than three (3) days after the billing date). Upon the expiration of this time without payment, the bill may be considered delinquent. With the customer's approval, automatic monthly payments made by withdrawal from a bank account or charged to a credit card account may take place prior to the normal due date if the customer has authorized such a payment. (3-29-10)

[Adopted, O.N. 15220; amended, G.O. 181; amended, G.O. 197; amended, 31-4101-0901.]

Cross Reference: Rules 5, 200, 201, 301.

203. BILLING ERRORS, BILLING UNDER INCORRECT RATES, OR FAILURE TO BILL (RULE 203).

01. Billing Errors -- Failure to Bill. Whenever the billing for telephone service was not accurately billed because of malfunction in billing equipment or error in preparation of bills, the telephone company shall prepare a corrected billing. If the telephone company has not billed a customer for service provided, the telephone company shall prepare a bill for the period in which service was provided and the customer was not billed. At its discretion, the telephone company may waive rebilling for undercharges. (7-1-93)

02. Billing Under Incorrect Rates. A customer has been billed under an incorrect rate if the customer was billed under a rate for which the customer was not eligible or the customer, who is eligible for billing under more than one (1) rate, was billed under a rate contrary to the customer's election or the election was made based upon erroneous information provided by the telephone company. If a customer is billed under an incorrect rate, the telephone company must recalculate the customer's past bills and correctly calculate future bills based on the appropriate rate. The telephone company is not required to adjust bills when it has acted in good faith based upon information provided by the customer. (3-29-10)

03. Rebilling Time Period. (3-29-10)

a. If the time when the billing error, billing under incorrect rates, or failure to bill (collectively referred to as "billing problem") began cannot be reasonably determined to have

occurred within a specified billing period, the corrected billings shall not exceed the most recent six (6) months before the discovery of the billing problem. (3-29-10)

b. If the time when the billing problem began can be reasonably determined, and the telephone company determines the customer was overcharged, the corrected billings shall go back to that time, but not to exceed three (3) years from the time the billing problem occurred as provided by Section 61-642, Idaho Code. (3-29-10)

c. If the time when the billing problem began can be reasonably determined and the telephone company determines the customer was undercharged, the company may rebill for a period of six (6) months unless a reasonable person should have known of the inaccurate billing, in which case the rebilling may be extended for a period not to exceed three (3) years. The telephone company is responsible for identifying customers who have not been billed or who have been inaccurately billed. (3-29-10)

04. Refunds. The telephone company must promptly calculate refund amounts overpaid by the customer and issue a credit within two (2) billing cycles. Any remaining credit balance shall be credited against future bills unless the customer, after notice from the telephone company, requests a refund and the amount is more than twenty-five dollars (\$25). The telephone company shall advise the customer of the option to have any remaining credit balance exceeding twenty-five dollars (\$25) refunded. (3-29-10)

05. Additional Payments. The telephone company must promptly prepare a corrected billing for a customer who has been undercharged, indicating the amount owed to the company. An unbilled or undercharged customer must be given the opportunity to make payment arrangements under Rule 310 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued or the customer was not billed. (3-29-10)

[Adopted, O.N. 17744; amended, G.O. 181; amended, 31-4101-0901.]

Statutory Reference: *Idaho Code* § 61-642.

Cross Reference: Rules 5, 200, 310.

204. BILLING PROHIBITED -- BILLING DISPUTES (RULE 204).

01. Unauthorized Charges. No telephone company shall bill for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other goods and services not ordered or otherwise authorized by the customer of record. 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 services or goods not ordered or otherwise authorized by the customer of record shall be

considered in violation of this rule unless the disputed amounts are removed from the customer's bill within two (2) billing cycles of the customer's notification to the company. (3-29-10)

02. Billing Disputes. A telephone company that bills and collects for other telephone companies or entities is responsible for either addressing billing disputes regarding unauthorized goods and services for which it bills or advising customers how to contact the providers of those goods and services. If a customer is unable to either contact or successfully resolve a dispute about unauthorized goods and services for which the telephone company bills, a credit equal to the disputed charges must be applied to the customer's account within two (2) billing cycles of the customer's notification to the company. (3-29-10)

[Adopted, G.O. 181; amended, G.O. 197; amended, 31-4101-0901.]

Cross Reference: Rules 5, 200.

205. RESPONSIBILITY FOR PAYMENT OF RESIDENTIAL SERVICE BILLS (RULE 205).

01. Customer Defined. For purposes of this rule, "customer" means a person whose name appears on the telephone company's regular bill for residential service or who signed a written application for residential service or another document informing the customer that he or she was assuming an obligation for payment of service. (7-1-93)

02. Customer's Responsibility. A customer shall not be held responsible for payment of an amount not billed for the customer's own service or through use of the customer's own credit or facilities and whose own name does not appear on the current bill or application for service, unless: (7-1-93)

a. The customer expressly accepts responsibility for payment of the other person's bill; (7-1-93)
or

b. The customer has a legal obligation to pay the other person's bill. (7-1-93)

03. Customer Notice. The telephone company shall provide written notice of its intent to add to the customer's bill for current service an amount owed for another person's bill or service rendered at a former service location, if the lapse in service exceeds sixty (60) calendar days. The notice may be provided in an electronic format with the customer's consent. (3-29-10)

04. Contents of Notice. The notice must include: (3-29-10)

a. The name of the customer of record who owes the bill; (7-1-93)

b. The service location and telephone number or account number involved; (7-1-93)

- c. The time over which the bill amount was accumulated; (3-29-10)
- d. The amount owed; (7-1-93)
- e. The reason(s) for adding the bill amount to the customer's billing statement; (3-29-10)
- f. Statement that payment arrangements may be made on the amount owed; (7-1-93)
- g. A statement that the customer has a right to contest the telephone company's proposed action by contacting the Commission; and (3-29-10)
- h. The response deadline after which the bill amount will be added to the customer's billing statement. (3-29-10)

05. Opportunity to Respond. The customer must be given a minimum of seven (7) calendar days from the date of its proposed action to respond to the telephone company notice. (3-29-10)

[Adopted, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rules 5, 200, 201.]

206. -- 299. (RESERVED).

RULES 300 THROUGH 399 – DENIAL, RESTRICTION, AND TERMINATION OF SERVICE

300. EXPLANATION FOR DENIAL OF A SERVICE TO A CUSTOMER (RULE 300).
If a telephone company intends to deny service to a customer under Rule 301, the telephone company must provide an explanation to the customer stating the reasons for the telephone company's refusal to provide service and the necessary action(s) to be taken to receive service. In the event of a dispute, the customer must be advised that an informal or formal complaint concerning denial of service may be filed with the Commission. (3-29-10)

[Adopted, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rules 5, 301, 303, 304, 311, 400, 401.

301. GROUNDS FOR DENIAL OR TERMINATION OF LOCAL EXCHANGE SERVICE WITH PRIOR NOTICE (RULE 301).

A telephone company may deny or terminate local exchange service to a customer without the customer's permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (3-29-10)

01. Customer Did Not Pay Undisputed Bills. With respect to undisputed past due bills for local exchange service, the customer: (3-29-10)

a. Failed to pay; (3-29-10)

b. Paid with a dishonored check; or (3-29-10)

c. Made an electronic payment drawn on an account with insufficient funds. (3-29-10)

02. Customer Failed to Make a Security Deposit. The customer failed to make a security deposit, when one is required. (3-29-10)

03. Customer Failed to Abide by Terms. The customer failed to abide by the terms of a payment arrangement. (3-29-10)

04. Customer Is Willfully Wasting or Interfering with Service. The telephone company determines as prescribed by relevant state or other applicable standards that the customer is willfully wasting or interfering with service through improper equipment or otherwise. (3-29-10)

05. Customer Is a Minor. The customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code. (3-29-10)

06. Obligation to Connect Service. Nothing in this rule requires the telephone company to connect service for a customer who owes money on an existing account or from a previous account if the unpaid bill is for service provided within the past four (4) years. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 189; amended, G.O. 207; amended, 31-4101-0901.]

Statutory Reference: *Idaho Code* § 29-101, 32-101.

Cross Reference: Rules 5, 300, 303-309; 31.51.01.107, .206.

302. GROUNDS FOR DENIAL OR TERMINATION OF A SERVICE, WITHOUT PRIOR NOTICE (RULE 302).

A telephone company may deny or terminate a service or all services without prior notice to the customer and without the customer's permission for any of the following reasons: (3-29-10)

01. Dangerous Condition. A condition immediately dangerous or hazardous to life, physical safety, or property exists, or it is necessary to prevent a violation of federal, state or local safety or health codes. (7-1-93)

02. Ordered to Terminate Service. The telephone company is ordered to terminate service by any court, the Commission, or any other duly authorized public authority. (7-1-93)

03. Illegal Use of Services. The service(s) was (were) obtained, diverted or used without the authorization or knowledge of the telephone company. (3-29-10)

04. Customer Unable to Be Contacted. The telephone company has tried diligently to meet the notice requirements of Rule 303, but has been unsuccessful in its attempt to contact the customer. (3-29-10)

05. Misrepresentation. The telephone company has determined that information provided by the customer is materially false or materially misrepresents the customer's true status. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rules 5, 300, 303, 309, 311; 31.51.01.107.

303. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 303).

01. Initial Notice. If the telephone company intends to terminate local exchange service under Rule 301, 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 304. (3-29-10)

02. Final Notice. At least twenty-four (24) hours before actual termination, the telephone company must diligently attempt to contact the customer to apprise the customer of the proposed action and the steps the customer must take to avoid or delay termination. This oral notice must contain the same information required by Rule 304. (3-29-10)

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 notice, the telephone company must again provide notice under Rules 303.01 and 303.02 if it still intends to terminate service. (3-29-10)

04. Failure to Pay. No additional notice of termination is required if, upon receipt of a termination notice: (3-29-10)

a. The customer makes a payment arrangement and subsequently fails to keep that arrangement; (3-29-10)

b. The customer tenders payment with a dishonored check; or (3-29-10)

c. Makes an electronic payment drawn on an account with insufficient funds. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 189; amended, 31-4101-0901.]

Cross Reference: Rules 5, 300, 301, 302, 304, 305.

304. CONTENTS OF NOTICE OF INTENT TO TERMINATE LOCAL EXCHANGE SERVICE (RULE 304).

01. Contents of Notice. The written, electronic or oral notice of intent to terminate local exchange service required by Rule 303 must state: (3-29-10)

a. The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (3-29-10)

b. Actions the customer may take to avoid termination; (3-29-10)

c. That a certificate notifying the local exchange company of a serious illness or medical emergency in the household may delay termination under Rule 306; (3-29-10)

d. 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); (3-29-10)

e. That the telephone company is willing to make payment arrangements (in a written notice this statement must be in bold print); and (3-29-10)

f. What amount must be paid in order to avoid termination of local exchange service and that partial payments will be applied toward past due charges for local exchange service first. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 189; amended, G.O. 197; amended, 31-4101-0901.]

Cross Reference: Rules 5, 300, 301, 303, 305, 306, 310, 400, 401.

305. TERMINATION OF LOCAL EXCHANGE SERVICE -- MAINTENANCE OF RECORDS (RULE 305).

Each telephone company shall maintain for three months clear, written records of the oral notices to terminate local exchange service required by Rule 303.02 showing dates and telephone company employees giving the notices. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 189; amended, 31-4101-0901.]

Cross Reference: Rules 5, 300, 301, 303, 304, 310.

306. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 306).

01. Medical Certificate -- Postponement of Termination of Local Exchange or Long-Distance Services. A telephone company offering local exchange or long-distance service between a residential customer and the customer's nearest community providing necessary medical facilities or services must postpone termination of local exchange or long-distance service to a residential customer for thirty (30) calendar days from the date of receipt of a written certificate signed by a licensed physician or public health official with medical training. The certificate must contain the following information: (3-29-10)

a. A statement that the customer, a member of the customer's family, or other permanent resident of the premises where service is provided, is seriously ill or has a medical emergency or will become seriously ill or may have a medical emergency because of termination of service; and that termination of local exchange service would adversely affect the health of that customer, member of the customer's family, or resident of the household. (3-29-10)

b. If the customer requests that termination of long-distance service be postponed, a statement that termination of long-distance service would impair the customer's ability to communicate with necessary medical facilities or services. (3-29-10)

c. The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer. (4-6-05)

d. The name, title, and signature of the person certifying the serious illness or medical emergency. (4-6-05)

02. Restoration of Service. If local exchange or long-distance service has already been terminated when the medical certificate is received, the appropriate service shall be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer shall receive local exchange and necessary long-distance services for thirty (30) calendar days from the telephone company's receipt of the certificate. (3-29-10)

03. Second Postponement. The telephone company may postpone termination of local exchange and necessary long-distance service for an additional thirty (30) days upon receipt of a second certificate stating that the serious illness or medical emergency still exists.

(3-29-10)

04. 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.

(4-6-05)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 189; amended, 31-4101-0401; amended, 31-4101-0901.]

Cross Reference: Rules 5, 300, 301, 305, 310.

307. MEDICAL FACILITIES -- SHELTER CARE (RULE 307).

Where local exchange or long-distance services are provided to a customer known by the telephone company to be or identifying itself as a medical care facility, including a hospital, medical clinic with resident patients, nursing home, intermediate care facility or shelter care facility, notice of pending termination shall be provided to the Commission and to the State Department of Health and Welfare as well as to the customer. Upon request from the Commission, a delay in termination of no less than seven (7) calendar days from the date of notice shall be allowed so that action may be taken to protect the interests of the facility's residents.

(3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 189; amended, 31-4101-0901.]

Cross Reference: Rules 5, 300, 301.

308. INSUFFICIENT GROUNDS FOR TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 308).

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:

(3-29-10)

a. Less than thirty (\$30) dollars; (3-29-10)

b. 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 a class of service (business or residential) other than the one to which the customer currently subscribes;

(3-29-10)

c. For MTS or other goods and services provided by the telephone company or for which the telephone company bills; (3-29-10)

d. 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; (3-29-10)

e. The subject of an informal or formal complaint filed with the Commission; or (3-29-10)

f. Is at issue in a case pending before a court in the state of Idaho unless termination is authorized by court order. (3-29-10)

[Adopted, O.N. 15290; amended, O.N. 17744; O.N. 17807; amended, O.N. 17872; amended, G.O. 181; amended, G.O. 189; amended, G.O. 207; amended, 31-4101-0901.]

Cross Reference: Rules 5, 300, 301, 309.

309. RESTRICTIONS ON TERMINATION OF LOCAL EXCHANGE SERVICE -- OPPORTUNITY TO AVOID TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 309).

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 302.01 and 302.02, or for non-residential customers, as authorized by any Subsection of Rule 302. Local exchange services may be terminated only between the hours of 8 a.m. and 4 p.m., except as authorized by Rules 302.01 and 302.02. (3-29-10)

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 401 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. (3-29-10)

[Adopted, O.N. 15290; amended, O.N. 17744; amended, G.O. 181; amended, G.O. 189; amended, 31-4101-0901.]

Cross Reference: Rules 5, 300, 302, 311, 401.

310. PAYMENT ARRANGEMENTS (RULE 310).

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 past due balance owed by the customer for local exchange services. In discussing or negotiating payment arrangements, the telephone company shall advise the customer what amount of payment the customer must allocate to local exchange service or to long-distance service or other goods and services in order to retain those goods and services. (3-29-10)

04. Second Arrangement. If a customer fails to make the payment by the agreed due date, the telephone company may, but is not obligated to, enter into a second arrangement. (3-29-10)

05. 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)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 189; amended, 31-4101-0901.]

Cross Reference: Rules 5, 203, 300, 301, 303-305, 311.

311. DENIAL, RESTRICTION, MODIFICATION, OR TERMINATION OF LONG-DISTANCE SERVICE OR OTHER SERVICES (RULE 311).

01. Compliance. Telephone companies regulated under Title 61, Idaho Code, providing long-distance or other services must comply with Rules 300, 302, 309.03, 309.04, and

310 in connection with denial, restriction, modification, or termination of those services. Telephone companies providing long-distance or other services must provide reasonable notice before terminating or restricting access to such services, except as provided by Rule 302. Telephone companies providing long-distance services must provide reasonable notice before modifying a customer's existing service. Nothing in this rule abrogates customers' rights under those telephone companies' tariffs or filings, written agreements with customer, or obligations otherwise imposed by statutory or common law. (3-29-10)

02. Failure to Pay. A customer's failure to pay for undisputed long-distance charges billed by the local exchange company may result in loss of 0+ or 0- and 1+ dialing access to long-distance services until such time as the customer pays the undisputed charges and any applicable reconnection charges. (3-29-10)

03. Loss of Services. Customer failure to pay undisputed charges for other services may result in loss of those services. (1-1-95)

[Adopted, G.O. 181; amended, G.O. 189; amended, 31-4101-0901.]

Statutory Reference: Title 61, Idaho Code.

Cross Reference: Rules 5, 300, 302, 309, 310.

312. CESSATION OF SERVICE IN A SERVICE AREA (RULE 312).

01. Single Local Service Provider. A telephone company that intends to terminate a service regulated under Title 61, Idaho Code, and an eligible telecommunications carrier that intends to terminate its universal service obligation in an area where it is the only eligible telecommunications carrier, must comply with the following: (3-29-10)

a. Petition the Commission for authority to terminate the service at least ninety (90) days before the company intends to terminate the service. If the Commission does not deny the petition or set it for hearing within ninety (90) days after receiving the petition, it shall be deemed approved; (3-29-10)

b. Mail a notice to each affected customer and to each telecommunications provider affected by the proposed cessation no later than ten (10) days after filing its petition with the Commission. (3-29-10)

c. Include with its petition a copy of the notice to customers and the number of customers affected by the proposed cessation; (3-29-10)

d. Demonstrate that the termination will not deprive the public of necessary telephone services; (3-29-10)

e. Obtain Commission approval before transferring customers to other telecommunications providers. (3-29-10)

02. Competitive Local Service Provider. A local exchange company that intends to terminate local exchange service that is not subject to regulation under Title 61, Idaho Code, and an eligible telecommunications carrier that intends to terminate its universal service obligation in an area where it is not the only eligible telecommunications carrier, must comply with the following: (3-29-10)

a. Provide notice to the Commission and each affected customer at least forty-five (45) days prior to the proposed termination of service; (3-29-10)

b. Inform the Commission of the number of customers and the other providers affected by the proposed termination, and the company's plan to ensure that all customers served by the company will continue to be served; (3-29-10)

c. The telecommunications company may, after complying with this rule, transfer customers to another telecommunications provider without obtaining affirmative approval from affected customers if the following conditions are satisfied: (3-29-10)

i. The company terminating service has a written commitment from another provider to accept all of the exiting company's customers within the receiving company's service area;

ii. All affected customers are notified at least forty-five (45) days in advance that they may apply to another telecommunications company for the service that is being terminated, and that if they do not obtain service from another provider, then the exiting company will automatically transfer them to the receiving company. (3-29-10)

iii. The receiving company may provide service to the terminating company's customers for up to forty-five (45) days without the affected customer applying for service from the receiving company. If the affected customers do not apply for service from or otherwise affirm an agreement to be served by the receiving company within forty-five (45) days, the receiving company may discontinue service. (3-29-10)

[Adopted, 31-4101-0901.]

Statutory Reference: Title 61, Idaho Code.

313. -- 399. (RESERVED).

RULES 400 THROUGH 499 – COMPLAINT PROCEDURE

400. COMPLAINT TO TELEPHONE COMPANY (RULE 400).

01. Subject Matter. A customer 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, and other services. 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, the customer shall state the customer's name, service address, telephone number and the general nature of the complaint. (3-29-10)

02. Company Investigation. Upon receiving a complaint, the telephone company shall promptly, thoroughly and completely investigate the complaint, confer with the customer when requested, and notify the customer 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 that the customer may request the Commission to review the telephone company's proposed disposition of the complaint. (3-29-10)

03. 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)

[Adopted, O.N. 15290; amended, G.O. 181; amended, G.O. 189; amended, 31-4101-0901.]

Cross Reference: Rules 5, 300, 304, 401, 402.

401. REVIEW BY COMMISSION (RULE 401).

01. Informal Review. The Commission has authority to investigate and resolve complaints made by subscribers to telecommunication services that concern the quality and availability of local exchange service, or whether price and conditions of service are in conformance with filed tariffs or price lists, deposit requirements for such service or disconnection of such service. If a customer who has complained to a telephone company is dissatisfied with a telephone company's proposed disposition of the complaint, the customer may request the Commission to review informally the disputed issue and the telephone company's proposed disposition of the complaint. The Commission may consider complaints regarding any telephone services over which the Commission has authority. (3-29-10)

02. Procedure on Review. The Commission will process these requests as informal complaints pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. Telephone service shall not be terminated nor shall termination be threatened by notice or otherwise in connection with the subject matter of the complaint while the complaint is pending before the Commission so long as the customer continues to pay all amounts not in dispute,

including current telephone bills. Upon request by any party, the parties and a representative of the Commission shall be required to meet and confer. (7-1-93)

03. Rights Protected. No customer shall be denied the opportunity to file a complaint with the Commission. (3-29-10)

04. Formal Complaints. Formal complaints may be filed according to the Commission's Rules of Procedure, IDAPA 31.01.01.000, et seq. (7-1-93)

[Adopted, O.N. 15290; amended, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rules 5, 300, 304, 309, 400, 402; 31.01.01 *et seq.*

402. RECORD OF COMPLAINTS (RULE 402).

01. Recordkeeping. Each telephone company must keep a record of written complaints and requests for conferences pursuant to Rules 400 and 401. These records must be retained for a minimum of one year at the office of the telephone company where the complaints were received. These written records are to be readily available upon request by the complaining customer, the customer's agent possessing written authorization, or the Commission. The records must note whether the customer was advised as required by Rule 400.03 that the customer may request the Commission to review the telephone company's proposed disposition of the complaint. (3-29-10)

02. Reporting. When previously requested by the Commission, a telephone company must submit a report to the Commission that states and classifies the number of complaints made to the telephone company pursuant to Rules 400 and 401 and the general subject matter of the complaints. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rules 5, 400, 401.

403. RESPONSES TO INFORMAL COMPLAINTS (RULE 403).

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. (7-1-99)

[Adopted, G.O. 197; amended, 31-4101-0901.]

404. -- 499. (RESERVED).

RULES 500 THROUGH 599 – QUALITY OF SERVICE**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)

[Adopted, G.O. 181; amended, 31-4101-0901.]

Statutory Reference: Titles 61, 62, Idaho Code.

Cross Reference: Rules 5, 502

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)

[Adopted, G.O. 207; amended, 31-4101-0901.]

Cross Reference: Rules 5, 502.

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: (3-29-10)

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; or (7-1-93)

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, whichever 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. (7-1-93)

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 Rule 502.01. (3-29-10)

03. Compliance Standard. Each month at least ninety percent (90%) 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)

[Amended, 31-4101-0901.]

Statutory Reference: Title 61, Idaho Code.

Cross Reference: Rules 5, 500, 501.

503. -- 599. (RESERVED).

RULES 600 THROUGH 699 – MISCELLANEOUS PROVISIONS

600. INFORMATION TO CUSTOMERS (RULE 600).

01. Required Information. Each telephone company providing local exchange service must make the following information available to its customers: (3-29-10)

a. A summary of the general terms and conditions under which service is provided, referring to these rules as appropriate; (3-29-10)

b. A clear and concise explanation of: (3-29-10)

i. All the goods and services for which the customer is billed, including those goods and services provided as part of a package offered by the telephone company; (3-29-10)

ii. All recurring charges associated with individual goods and services or package of goods and services for which the customer is billed; (3-29-10)

iii. Any early termination fees that apply if the customer terminates service prior to the end of a service agreement or contract period; (3-29-10)

iv. The telephone company's dispute resolution procedures and a statement that an informal or formal complaint may be filed with the Commission; and (3-29-10)

v. If the customer subscribes to non-published service, the circumstances under which the telephone company will release information about the customer or the customer's service and to whom it will be released. (3-29-10)

02. When and How Information Provided. Information must be provided to customers in writing upon initiation of service and whenever a material change in the terms and conditions of service or charges for goods and services takes place. Information provided upon initiation of service may be separately mailed or included with the paper or electronic billing

statement delivered to the customer. Subsequent notices may be made by separate mailing, included with a billing statement or, with the customer's consent, by electronic notice with reference to information contained on the telephone company's website. (3-29-10)

[Adopted, O.N. 15290; amended, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rule 5.

601. ACCESS TO EMERGENCY SERVICES (RULE 601).

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. (7-1-99)

[Adopted, G.O. 181; amended, G.O. 197; amended, 31-4101-0901.]

Statutory Reference: *Idaho Code* § 31-4801.

Cross Reference: Rule 5.

602. REQUEST FOR TELEPHONE COMPANY RECORDS (RULE 602).

01. General Rule. If any telephone company subject to these rules is directed by subpoena or court order to disclose customer records, as soon as practical, it must notify the customer what records were requested and of the company's response to the request. In no case shall the reasonable period of time under this rule exceed two (2) business days after deciding to abide by that request. (3-29-10)

02. Exceptions. This rule does not apply if a judge of a court of competent jurisdiction has ordered a telephone company not to disclose that it has complied with a court order or subpoena to turn over a customer's telephone records. (3-29-10)

[Adopted, O.N. 17155; recodified, O.N. 17744; amended, G.O. 181; amended, 31-4101-0901.]

Cross Reference: Rule 5.

603. AUTOMATIC RECORDING (RULE 603).

Certain federal, state or local agencies have been permitted by rule or tariff approved by or filed with the Federal Communications Commission or this Commission to automatically record all telephone conversations on certain lines of the agency. This automatic recording is allowed for security, safety or public interest purposes. Release of telephone conversations automatically recorded by such a government agency for purposes unrelated to security, safety or the public interest is expressly prohibited under the authority of rules or tariffs authorizing automatic recording of conversations. This rule does not preclude the records' release pursuant to independent judicial, executive, legislative, or other order or authorization for release of such conversations, or upon consent of all parties whose conversations were recorded. (7-1-93)

[Adopted, O.N. 17155; recodified, O.N. 17744; amended, G.O. 181; amended, 31-4101-0901.]

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. (3-29-10)

[(Adopted, G.O. 170; amended, G.O. 181; amended, G.O. 181A – 31.41.02.102.04); adopted (31.41.01.604), 31-4101-0901.]

Statutory Reference: *Idaho Code* § 62-606

605. TELEPHONE SOLICITATIONS (RULE 605).

Each telephone company providing local exchange service must summarize the provisions of Sections 48-1001 et seq., Idaho Code, in an annual insert in a billing statement mailed to customers or by conspicuous publication in the consumer pages of the local telephone directory. Local exchange companies may meet the requirements of this notice by publishing the following explanation or one (1) substantially similar: (3-29-10)

**IMPORTANT NOTICE CONCERNING PURCHASE
OF GOODS AND SERVICES BY TELEPHONE**

You have important rights under the Idaho Telephone Solicitation Act. Under this Act it is illegal for persons attempting to sell you goods or services by telephone (telephone solicitors):

- To intimidate or harass you in connection with the attempted sale.
- To refuse to hang up and free your telephone line immediately once you request them to do so.
- To misstate the price, quality, or availability of goods or services, or to fail to reveal all material terms relating to the sale of goods or services.
- To advertise, represent or imply that they have the endorsement of any government office or agency when they do not.
- To advertise, represent or imply that they have a valid registration number with the Attorney General when they do not.
- To use any unfair method of competition or unfair or deceptive practice.

Any person not yet eighteen (18) years old who purchases goods or services pursuant to a telephone solicitation may cancel the purchase within a reasonable time after the purchase is made. No parent or legal guardian having custody of a person not yet eighteen (18) years old is liable for the purchase of goods or services by a person not yet eighteen (18) years old pursuant to telephone solicitation.

When you agree to purchase goods or services over the telephone, you may have a right to reconsider and cancel your agreement for three (3) business days after receiving a written confirmation of the sale.

A person whose rights are violated by telephone solicitors may have the right to declare a contract of purchase null and void or invoke other remedies under the Idaho Consumer Protection Act.

If you believe that a telephone solicitor has done any unlawful acts, you may contact the Attorney General's Office for assistance and information at:

1 (800) 432-3545 (toll-free) or
334-2424 (Boise area).

(3-29-10)

[(Adopted, G.O. 181D – 31.41.02.105); adopted (31.41.01.605), 31-4101-0901.]

Statutory Reference: *Idaho Code* § 48-1001

606. INFORMATION, PRICE LISTS OR TARIFFS FOR NON-LOCAL EXCHANGE SERVICE (RULE 606).

01. Information to be Filed. All telephone corporations, except mutual nonprofit or cooperative corporations, that did not on January 1, 1988, hold a certificate of public convenience and necessity issued by the Commission and that do not provide basic local exchange service are required by Section 62-604(1)(b), Idaho Code, to file a notice with this Commission before offering services in Idaho. The notice must contain the following information: (3-29-10)

a. The name of the telephone corporation and the business name of the telephone corporation if it does business under an assumed business name; (3-29-10)

b. The United States and electronic (if available) mailing addresses of the principal place of business of the telephone corporation, and, if there is a principal place of business in Idaho, the addresses of the principal place of business in Idaho; (3-29-10)

c. An agent in Idaho for service of process by the Commission in the state of Idaho including the agent's United States and electronic (if available) mailing addresses; (3-29-10)

d. A description of the telecommunication services offered by the telephone corporation and a map of the area(s) served by the telephone corporation or in which the telephone corporation offers or intends to offer service; (3-29-10)

e. Address(es) and toll-free telephone number(s) for personnel responsible for handling consumer inquiries, complaints, etc., by the public; and (3-29-10)

f. Name(s), United States mail and electronic (if available) addresses, and telephone number(s) of person(s) designated as a contact for the Commission Staff in resolving consumer complaints, responding to consumer inquiries, and answering matters concerning rates and price lists or tariffs. These notices must be updated at least annually, between December 1 and December 31 each year, and whenever there is a change in the telephone corporation's name, address, or agent for service of process. (3-29-10)

02. Service. Notices, orders, rules, complaints and other documents issued by the Commission may be served by United States or electronic mail on the agent for service of process listed pursuant to this rule. This service constitutes due and timely notice to the telephone corporation, and no further service is necessary to bind the telephone corporation. Telephone corporations obligated by statute to file the notice required by this rule, but failing to do so, are bound by the Commission's motions, orders, rules, complaints and other documents upon their filing with the Commission Secretary. (3-29-10)

[(Amended (31.42.01.202), G.O. 202); adopted (31.41.01.606), 31-4101-0901.]

607. PRICE LISTS OR TARIFF FILINGS (RULE 607).

01. Price Lists or Tariffs. All telephone corporations subject to the Telecommunications Act of 1988 are required by Section 62-606, Idaho Code, or by this Commission's implementation of Section 62-616, Idaho Code, to file for informational purposes price lists or tariffs that reflect the availability, price, terms and conditions of all telecommunication services not offered under Title 61 of the Idaho Code. The price lists or tariffs must: (3-29-10)

- a. Contain a title page identifying the telephone corporation; (3-29-10)
- b. Show on each page the name of the company, the date of issuance and an effective date for their rates; (3-29-10)
- c. Contain a table of contents; (3-29-10)
- d. Number pages and paragraphs describing the services; (3-29-10)
- e. Show when pages or services have been cancelled or revised; and (3-29-10)
- f. Provide a mechanism (e.g., page revision numbers) for tracing additions, deletions or amendments to the price list or tariff. The price lists or tariffs must include schedules of rates for each type of service generally made available to subscribers, showing the effective date of all rates and charges and listing any rules and regulations associated with provision of the services. Surcharges, discounts, hours of availability, minimum service periods, and other conditions of service must be detailed. (3-29-10)

02. Changes to Price Lists or Tariffs. When required by Section 62-606, Idaho Code, changes to price lists or tariffs are effective not less than ten (10) days after filing with the Commission and giving public notice to affected customers except for charges for non-recurring services quoted directly to the customer when an order is placed or price reductions, both of which may take effect immediately with filing. Changes to price lists or tariffs must be accompanied by a letter of transmittal stating how affected customers received notice of the changes to price lists or tariffs. See Rule 604. (3-29-10)

03. Tracking Price Lists or Tariffs. Each revision to a price list or tariff must be accompanied by a cover letter summarizing the changes to the price list or tariff, specifically referring to existing tariff pages affected by the new price list or tariff and stating whether new pages replace, are in addition to, or delete existing pages. The Commission Secretary may adopt a system to number each company's changes to its price lists or tariffs. (3-29-10)

[Adopted, (31.42.01.203); adopted (31.41.01.607), 31-4101-0901.]

Statutory Reference: *Idaho Code* §§ 62-606; 62-616

Cross Reference: Rule 604.

608. FORM AND NUMBER OF COPIES OF PRICE LIST OR TARIFF (RULE 608).

Price lists or tariffs filed pursuant to Section 62-606, Idaho Code, or by this Commission's implementation of Section 62-616, Idaho Code, must have a blank space approximately three by one and one-half inches (3" x 1-1/2") square provided for the Commission's filing stamp in the upper right or lower right corner of each schedule filed. An original and three (3) copies of the price list or tariff must be filed with the Commission. The Commission stamps its indication that the price list or tariff has been filed in the space provided on each copy of the price list or tariff, placing the original in its files and returning one copy to the telephone corporation. (3-29-10)

[(Adopted, (31.42.01.204)); adopted (31.41.01.608), 31-4101-0901.]

Statutory Reference: *Idaho Code* §§ 62-606; 62-616

609. -- 699. (RESERVED).

RULES 700 THROUGH 799 – SLAMMING PROVISIONS

700. THE UNAUTHORIZED CHANGE OF A CUSTOMER'S TELEPHONE COMPANY (RULE 700).

Local exchange companies and interexchange carriers are prohibited from submitting or executing an unauthorized change in a customer's selection of a provider of local or long distance telephone service. This practice is commonly referred to as "slamming." The Commission will administer the Federal Communications Commission's regulations regarding slamming. (3-15-02)

[Adopted, G.O. 209; amended, 31-4101-0901.]

Cross Reference: Rule 11.

701. ADOPTION OF FEDERAL SLAMMING REGULATIONS (RULE 701).

The Commission adopts the slamming regulations promulgated by the Federal Communications Commission and found at Sections 64.1100 through 64.1170 and 64.1190, Title 47, Code of Federal Regulations (October 1, 2004). Local exchange companies and interexchange carriers shall comply with applicable provisions of the federal regulations adopted by reference except as modified in Rule 702. (3-29-10)

[Adopted, G.O. 209; amended, 31-4101-0401; amended, 31-4101-0901.]

Statutory Reference: 47 C.F.R. 64.1100-64.1170, 64.1190.

Cross Reference: Rules 11, 702.

702. STATE PROCEDURES (RULE 702).

The federal slamming procedures incorporated by reference in Rule 701 are modified as follows:
(3-29-10)

01. Form. Complaints regarding an unauthorized carrier change may be filed with the Commission in person, by mail, by e-mail, or by telephone. E-mail complaint forms may be found at www.puc.idaho.gov. A copy of the telephone bill(s) in dispute and other relevant evidence shall be provided to the Commission by the complaining party. The slamming complaint shall include the following information: (3-15-02)

- a. Name, address and telephone number of complainant; (3-15-02)
- b. Name/identity of the alleged slamming carrier; (3-15-02)
- c. Name of the previous authorized carrier; (3-15-02)
- d. Name of the billing entity; (3-15-02)
- e. Date the alleged slamming occurred; (3-15-02)
- f. Whether the customer has been restored to the preferred carrier; (3-15-02)
- g. Whether the customer has paid any or all of the disputed charges; (3-15-02)
- h. Efforts in attempting to resolve the alleged slamming; and (3-15-02)
- i. Whether the customer was charged for changing carrier(s). (3-15-02)

02. Procedure. The Commission's Consumer Assistance Staff shall be responsible for resolving slamming complaints under the Commission's informal complaint procedures in IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Rules 21 through 24. Not later than twenty-one (21) calendar days after notification of a slamming complaint, the alleged unauthorized carrier shall provide to the Consumer Assistance Staff a copy of any valid proof of verification of the carrier change and any other evidence relevant to the complaint. Use of the Commission's informal complaint procedures are mandatory. (3-15-02)

03. Written Determination. When its informal investigation is complete, the Consumer Assistance Staff shall issue a written determination to the customer, alleged unauthorized carrier, and the authorized carrier. (3-15-02)

04. Appeal of Staff Determination. A customer or carrier aggrieved by the Consumer Assistance Staff's determination of a slamming complaint may file a formal complaint with the Commission pursuant to IDAPA 31.01.01, "Rules of Procedure of the Idaho Public

Utilities Commission,” Rule 54. An appeal of Staff’s determination shall be filed with the Commission Secretary within twenty-one (21) calendar days of the Staff’s written determination. An aggrieved party’s failure to file a formal complaint shall constitute a waiver or abandonment of the slamming complaint. (3-15-02)

[Adopted, G.O. 209; amended, 31-4101-0901.]

Cross Reference: Rule 701; 31.01.01.021-.024; 31.01.01.054.

703. -- 999. (RESERVED).