

Table of Contents

31.21.01 - CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC AND WATER PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE UTILITY CUSTOMER RELATIONS RULES)

000. LEGAL AUTHORITY (Rule 0).	3
001. TITLE AND SCOPE (Rule 1).	3
002. WRITTEN INTERPRETATIONS--AGENCY GUIDELINES (Rule 2).	3
003. ADMINISTRATIVE APPEALS (Rule 3).	3
004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).	4
005. DEFINITIONS (Rule 5).	4
006. CITATION (Rule 6).	4
007. EFFECTIVE DATE--HISTORY OF RULES (Rule 7).	4
008. EXERCISE OF RIGHTS BY CUSTOMER (RULE 8).	5
009. EXEMPTIONS FROM RULES (RULE 9).	5
010. INFORMAL INTERPRETATION OF RULES (RULE 10).	5
011. CONFLICT WITH UTILITY TARIFFS (Rule 11).	5
012 -- 099. (RESERVED).	5
100. FURTHER DEFINITIONS (RULE 100).	5
101. DEPOSIT REQUIREMENTS (RULE 101).	5
102. OTHER DEPOSIT STANDARDS PROHIBITED--RESIDENTIAL CUSTOMERS (RULE 102).	6
103. GUARANTEE IN LIEU OF DEPOSIT (RULE 103).	6
104. WRITTEN EXPLANATION FOR DENIAL OF SERVICE OR REQUIREMENT OF DEPOSIT (RULE 104).	7
105. AMOUNT OF DEPOSIT (RULE 105).	7
106. INTEREST ON DEPOSITS (RULE 106).	7
107. RETURN OF DEPOSIT (RULE 107).	7
108. TRANSFER OF DEPOSIT (RULE 108).	8
109. RECEIPT FOR DEPOSIT--RECORDS OF DEPOSIT (RULE 109).	8
110. -- 199. (RESERVED).	8
200. FURTHER DEFINITION (Rule 200).	8
201. ISSUANCE OF BILLS--CONTENTS OF BILLS (RULE 201).	8
202. DUE DATE OF BILLS--DELINQUENT BILLS (RULE 202).	9
203. BILLING UNDER INAPPROPRIATE TARIFF SCHEDULE (RULE 203).	9
204. INACCURATELY BILLED SERVICE UNDER CORRECT TARIFF SCHEDULE -- FAILURE TO BILL FOR SERVICE (RULE 204).	10
205. CUSTOMERS WITH GOOD CREDIT--FINAL BILLS (RULE 205)	10
206. TRANSFER OF BILLS--RESIDENTIAL CUSTOMERS (RULE 206).	10
207. -- 299. (RESERVED).	11
300. FURTHER DEFINITIONS (Rule 300).	11
301. REQUIREMENTS FOR AND CONTENTS OF NOTICE OF DENIAL OF SERVICE TO APPLICANT (RULE 301).	11
302. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITH PRIOR	

NOTICE (RULE 302).	12
303. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITHOUT PRIOR NOTICE (RULE 303).	12
304. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF SERVICE (RULE 304).	12
305. CONTENTS OF NOTICE OF INTENT TO TERMINATE SERVICE (RULE 305).	13
306. TERMINATION OF RESIDENTIAL GAS AND ELECTRIC SERVICE--WINTER PAYMENT PLAN--REPORTING TO COMMISSION (RULE 306).	13
307. THIRD-PARTY NOTIFICATION--RESIDENTIAL SERVICE (RULE 307).	14
308. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 308).	15
309. MEDICAL FACILITIES--SHELTER CARE (RULE 309).	15
310. INSUFFICIENT GROUNDS OR TERMINATION OF SERVICE (RULE 310).	15
311. RESTRICTIONS ON TERMINATION OF SERVICE--OPPORTUNITY TO AVOID TERMINATION OF SERVICE (RULE 311).	16
312. TERMINATION OF SERVICE TO MASTER-METERED ACCOUNTS AND RESIDENTS OR OCCUPANTS WHO ARE NOT CUSTOMERS (RULE 312).	16
313. PAYMENT ARRANGEMENTS (RULE 313).	17
314. -- 400. (RESERVED).	17
401. COMPLAINT TO UTILITY (RULE 401).	17
402. REVIEW BY COMMISSION (RULE 402).	18
403. RECORD OF COMPLAINTS (RULE 403).	18
404. -- 499. (RESERVED).	18
500. -- 599. (RESERVED).	18
600. DEFINITIONS (RULE 600).	18
601. DEPOSIT REQUIREMENTS AND ADVANCE PAYMENTS (RULE 601).	19
602. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITH PRIOR NOTICE (Rule 602).	19
603. REQUIREMENTS FOR AND CONTENTS OF NOTICE BEFORE TERMINATION OF SERVICE (RULE 603).	19
604. GROUNDS FOR TERMINATION OF SERVICE WITHOUT PRIOR NOTICE (RULE 604).	20
605. NOTICE TO COMMISSION PRIOR TO TERMINATION (RULE 605).	20
606. -- 700. (RESERVED).	20
701. SUMMARY OF RULES (RULE 701).	20
702. -- 999. (RESERVED).	20

31.21.01 - CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC AND WATER PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE UTILITY CUSTOMER RELATIONS RULES)

000. LEGAL AUTHORITY (Rule 0).

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Idaho Code, and the specific legal authority of sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (Rule 1).

The name of this chapter is "Customer Relations Rules for Gas, Electric and Water Public Utilities Regulated by the Idaho Public Utilities Commission (the Utility Customer Relations Rules)." 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 utilities and customers with regard to deposits, guarantees, billing, application for service, denial of service, termination of service and complaints to utilities. (7-1-93)

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, Statehouse, Boise, Idaho 83720-6000, 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. In addition to these explanatory comments, the director of the Commission's consumer assistance staff has issued interpretive guidelines that are available by contacting the director of the consumer assistance staff in writing at the Idaho Public Utilities Commission, Statehouse, Boise, Idaho 83720-6000, or by telephone at (208) 334-0300. (7-1-93)

003. ADMINISTRATIVE APPEALS (Rule 3).

This rule governs consideration of exemptions and complaints under these rules. Any person requesting and receiving an informal staff determination with regard to an exemption or complaint may formally or informally request the Commission to review the Staff's determination. (7-1-93)

01. Exemptions from Rules. Rule 9 authorizes persons or utilities to request exemptions from these rules. This paragraph governs procedure for requests for exemptions. (7-1-93)

a. Any applicant, customer or utility may informally request an exemption from any provision of these rules for a specific applicant or applicants or customer or customers by writing the Commission's consumer assistance staff at the Idaho Public Utilities Commission, Statehouse, Boise, Idaho 83702-6000 or by telephoning the Commission's Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff's decision. (7-1-93)

b. Any applicant, customer or utility may formally petition the Commission for an exemption pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

c. Any utility requesting an exemption for all of its customers must formally petition the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

02. Complaints. Rule 402 authorizes persons or utilities to file complaints under these rules. This subsection governs procedure for filing complaints under these rules. (7-1-93)

a. Any applicant, customer or utility may file an informal complaint under any provision of these

rules concerning a specific applicant or applicants or customer or customers by writing the Commission's consumer assistance staff at the Idaho Public Utilities Commission, Statehouse, Boise, Idaho 83702-6000 or by telephoning the Commission's Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff's decision. (7-1-93)

b. Any applicant, customer or utility may file a formal complaint under these rules with the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

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 public utilities' compliance with the requirements of the Public Utilities Act and this Commission's rules and orders are investigatory records exempt from disclosure under the Public Records Act. All formal complaints concerning public utilities' compliance with these rules are public records subject to inspection, examination and copying under the Public Records Act. (7-1-93)

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 group of rules to a particular class of service, "applicant" means any potential customer who applies for service from a utility and either has no previous service from that utility or has not had service with that utility within the most recent sixty (60) days. (7-1-93)

02. Customer. Unless restricted by definition within a rule or group of rules to a particular class of customer, "customer" means any person who: (7-1-93)

a. Has applied for; (7-1-93)

b. Has been accepted; and (7-1-93)

c. Is currently (1) receiving service from a utility, or (2) assuming responsibility for payment of service provided to another or others. If the person receiving service is not the same person as the person assuming responsibility for payment of service, the latter is the customer for purposes of obtaining service, cancelling service, receiving refunds, etc. Additionally, a person who moves within a utility's service territory and requests that service be terminated at the customer's previous location and that service be initiated at a new location within sixty (60) days is considered an existing customer and not an applicant. (7-1-93)

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 utility before the utility's dispatch of personnel to the customer's premises as allowed by the rules to leave a twenty four (24) hour notice or to terminate service. (7-1-93)

04. Utility. Unless restricted by definition within a rule or group of rules, "utility" means any public utility providing gas, electric or water service subject by law to the Commission's jurisdiction, whether previously certified or not. (7-1-93)

006. CITATION (Rule 6).

The official citation of these rules is IDAPA 31.21.01.000 et seq. For example, this rule is cited as IDAPA 31.21.01.006. In documents submitted to the Commission or issued by the Commission, however, these rules may be cited by their short title of Utility Customer Relations Rules (UCRR) and the parenthetical rule number. For example, this rule may be cited as UCRR 6. (7-1-93)

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

The Commission has adopted predecessors to these rules beginning in 1978. They were most recently codified at IDAPA 31.C.0 through -.7. They were readopted and reformatted by rulemaking decision in docket number 31-2101-9301, 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 utility shall discriminate against or penalize a customer for exercising any right granted by these rules. (7-1-93)

009. EXEMPTIONS FROM RULES (RULE 9).

If unusual or unreasonable hardships result from the application of any of these rules, any utility or customer may apply to the Commission for, or the Commission on its own motion may order, a permanent or temporary exemption. (7-1-93)

010. INFORMAL INTERPRETATION OF RULES (RULE 10).

The Commission may authorize designated staff members to make and give informal interpretations of these rules and regulations and the utility tariffs on file with the Commission, and to investigate complaints filed with this Commission. These interpretations, which do not bind the Commission, will be distributed to utilities governed by these rules and interested consumer groups and be available from the director of the Commission's consumer assistance staff. The Commission reserves to itself the authority to issue formal declaratory orders concerning interpretation of these rules and utility tariffs and to resolve formal complaints. (7-1-93)

011. CONFLICT WITH UTILITY TARIFFS (Rule 11).

If a utility's tariff on file with the Commission contains provisions that deny or restrict customer's rights protected by any of these rules, these rules supercede any conflicting tariff provisions that deny or restrict any of those rights. (7-1-93)

012 -- 099. (RESERVED).

**Rules 100 to 199 - Deposit and Guarantee
Practices for Residential and Small Commercial Customers**

100. FURTHER DEFINITIONS (RULE 100).

As used in Rules 101 through 109: (7-1-93)

01. Applicant. "Applicant" is restricted from its general definition to refer only to applicants for residential or small commercial service, unless further restricted by the rule. (7-1-93)

02. Customer. "Customer" is restricted from its general definition to refer to a residential or small commercial customer, unless further restricted by the rule. (7-1-93)

03. Deposit. "Deposit" means any payment held as security for future payment or performance that is reimbursable after the customer establishes good credit. (7-1-93)

04. Residential and Small Commercial Classes. The Commission will maintain on file a list of which customer classes of a given utility are residential and which are small commercial. (7-1-93)

101. DEPOSIT REQUIREMENTS (RULE 101).

01. Residential Customers. No utility shall demand or hold a deposit from any current residential customer or applicant for residential service without proof that the customer or applicant is likely to be a credit risk or to damage the property of the utility. A history of late payment or lack of previous history with the utility does not, in itself, constitute such proof. A utility shall not demand or hold a deposit under this rule as a condition of service from a residential customer or applicant unless one or more of the following criteria applies: (7-1-93)

a. The customer or applicant has outstanding a prior residential service account with the utility or any other nonmunicipal utility (whether regulated or unregulated) that accrued within the last four (4) years and at the time of application for service remains unpaid and not in dispute. (7-1-93)

b. The customer's or applicant's service from any utility described in the previous sentence has been terminated within the last four (4) years for one (1) or more of the following reasons: (7-1-93)

- i. Nonpayment of any undisputed delinquent bill; (7-1-93)
 - ii. Misrepresentation of the customer's or applicant's identity for the purpose of obtaining utility service; (7-1-93)
 - iii. Failure to reimburse the company for damages due to negligent or intentional acts of the customer; or (7-1-93)
 - iv. Obtaining, diverting or using service without the authorization or knowledge of the utility. (7-1-93)
 - c. Information provided by the applicant upon application for service is materially false or materially misrepresentative of the applicant's true status. (7-1-93)
02. Small Commercial Customers. A utility shall not demand or hold a deposit as a condition of service from any current small commercial customer or applicant for small commercial service unless one or more of the following criteria apply: (7-1-93)
- a. Any of the criteria listed in Rule Subsection 101.01 of this rule are present. (7-1-93)
 - b. The applicant is applying for service for the first time from that utility. (7-1-93)
 - c. The customer fails to establish good credit. (7-1-93)
03. Bankrupt Customers. If an applicant for service or a customer, either residential or small commercial, 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 deposit may be demanded as allowed by the Federal Bankruptcy Act of 1978, as amended, and, in particular, 11 USC 366, or as directed by the state court. (7-1-93)

102. OTHER DEPOSIT STANDARDS PROHIBITED--RESIDENTIAL CUSTOMERS (RULE 102).

A utility shall not require a deposit or other guarantee as a condition of new or continued residential utility 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. (7-1-93)

103. GUARANTEE IN LIEU OF DEPOSIT (RULE 103).

01. Guarantor. In lieu of a deposit required by these rules, a utility shall accept a written guarantee of payment from another customer of the same utility. An acceptable guarantor must have good credit and be receiving the same class of service as the customer whose account is guaranteed. (7-1-93)

02. Guarantee Form. The guarantee form used by each utility 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 utility 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 has established good credit. (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 utility's receipt of the guarantor's notice of cancellation of the guarantee agreement. (7-1-93)

104. WRITTEN EXPLANATION FOR DENIAL OF SERVICE OR REQUIREMENT OF DEPOSIT (RULE 104).

If the utility denies service or requires a cash deposit or written guarantee as a condition of providing service, then it must immediately provide a written explanation to the applicant or customer stating the precise reasons why it denies service or requires a deposit. The applicant or customer must be given an opportunity to rebut those reasons. (7-1-93)

105. AMOUNT OF DEPOSIT (RULE 105).

01. Amount of Deposit. A deposit allowed pursuant to Rule 101 as a condition of service shall not exceed one-sixth (1/6) the amount of reasonably estimated billing for one year at rates then in effect. This estimate is to be based upon the use of service at the premises during the prior year or upon the type and size of customer's equipment using the utility's service. (7-1-93)

02. Installment Payments of Deposit. The utility shall provide the applicant an opportunity to pay the deposit in two (2) installments. The applicant shall be allowed to pay one-half (1/2) of the deposit amount at the time of application, with the remaining installment payable in one (1) month. (7-1-93)

106. INTEREST ON DEPOSITS (RULE 106).

01. Interest Payable. Interest will be payable on all deposited amounts at the rate provided by Subsection 106.02 of this rule. Interest will accrue from the date the deposit or deposit installment is made until the deposit is refunded or applied to the customer's utility bill; however, interest will not accrue on a deposit or deposit installment if: (7-1-93)

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

b. Service has been permanently terminated and the utility 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 utilities of its determination of this interest rate. That rate will be in effect for the following calendar year for all deposits described in Rule Subsection 106.01 of this rule. (7-1-93)

107. RETURN OF DEPOSIT (RULE 107).

01. Former Customers. Upon termination of service, the deposit, with accrued interest, shall be credited to the final bill. The balance of the deposit remaining, if any, shall be returned promptly to the customer. (7-1-93)

02. Existing Customers. Unless the customer has requested that the deposit be credited to future bills, the deposit, with accrued interest, will be refunded promptly by the utility when: (7-1-93)

a. The residential customer establishes and maintains good credit; or (7-1-93)

b. The small commercial customer maintains good credit and is not delinquent more than once in the previous twelve months. (7-1-93)

03. Retention During Dispute. The utility may retain the deposit pending the resolution of a dispute over termination of service. If the deposit is later returned to the customer, the utility shall pay interest at the annual rates established in Rule 106 for the entire period over which the deposit was held. (7-1-93)

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

108. TRANSFER OF DEPOSIT (RULE 108).

Deposits shall not be transferred from one 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 utility's service area, the deposit and any outstanding balance shall be transferred to the account for the new location. (7-1-93)

109. RECEIPT FOR DEPOSIT--RECORDS OF DEPOSIT (RULE 109).

01. Receipts. Each customer paying a deposit or the initial installment on a deposit must then be given a receipt containing or otherwise be provided with the following information: (7-1-93)

- a. Name of customer and service address for which deposit is held; (7-1-93)
- b. Date of payment(s); (7-1-93)
- c. Amount of payment(s); and (7-1-93)
- d. Statement of the terms and conditions governing the return of deposits. An ordinary receipt may be given for subsequent deposit installments. (7-1-93)

02. Retention of Records. Each utility 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 original receipt(s) for the deposit. The utility shall maintain a detailed record of all deposits received from customers, showing the name of each customer, the location of the premises occupied by the customer when the deposit is made and each successive location occupied by the customer while the deposit is retained, and the date(s) and amount(s) of the deposits or installments. The utility shall retain these records as required by the Unclaimed Property Act, sections 14-501 et seq., Idaho Code, and in particular section 14-531, Idaho Code (ten years). (7-1-93)

03. Transfer of Records. Upon the sale or transfer of any utility 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)

110. -- 199. (RESERVED).

Rules 200 through 299 - Billing

200. FURTHER DEFINITION (Rule 200).

As used in Rules 201 through 205, "bill" or "billing" refers to a written request for payment listing charges for services previously rendered or for services billed in advance that is mailed or otherwise delivered to the customer for payment. (7-1-93)

201. ISSUANCE OF BILLS--CONTENTS OF BILLS (RULE 201).

Bills shall be issued on a regular basis. Bills must contain the following information: (7-1-93)

01. The Billing Date. (7-1-93)
- b. The Time Period Covered by the Bill. (7-1-93)
- c. Metered Service Billing. If metered service is the basis for billing, the beginning and ending meter readings, where the bill is based on actual readings, or a clearly marked statement that the bill is estimated, if the meter was not actually read, and the quantity of service provided, when applicable; (7-1-93)
04. Billing Comparisons. Comparisons of current and previous consumptions, when required by IDAPA 31.22.01.103. (7-1-93)
05. The Due Date of the Bill. (7-1-93)

06. Itemization of All Charges. An itemization of all charges, both recurring and nonrecurring; (7-1-93)
07. Any Amount Transferred from Another Account. (7-1-93)
08. Any Amounts Past Due. (7-1-93)
09. Payments or Credits. Any payments or credits applied to the customer's account since the last bill. (7-1-93)
10. The Total Amount Due. (7-1-93)
11. Billing Records Office Location. The address and telephone number of the utility's nearest office maintaining billing records for the customer. (7-1-93)

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

01. Ordinary Due Date. The utility 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, 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. (7-1-93)
02. Hardship Exemption. When a residential customer certifies in writing to the utility that payment by the ordinary due date creates a hardship due to the particular date when the customer receives funds, the due date shall be extended up to an additional fifteen (15) days or at the option of the utility the customer shall be billed in a cycle that corresponds to the customer's receipt of funds. (7-1-93)

203. BILLING UNDER INAPPROPRIATE TARIFF SCHEDULE (RULE 203).

01. Rebilling Required. If a customer was billed under an inappropriate tariff schedule, the utility shall recalculate the customer's past billings and correctly calculate future billings based on the appropriate tariff schedule. A customer has been billed under an inappropriate tariff schedule if: (7-1-93)
- a. The customer was billed under a tariff schedule for which the customer was not eligible, or (7-1-93)
 - b. The customer, who is eligible for billing under more than one tariff schedule, was billed under a schedule contrary to the customer's election, or the election was based on erroneous information provided by the utility. (7-1-93)
02. Exceptions. The utility shall not be required to adjust billings when it has acted in good faith based upon available information or when the customer was given written notice of options under the tariff schedules and did not make a timely election to exercise available options. (7-1-93)
03. Rebilling. The period for which rebilling under this rule is allowed shall be that provided by section 61-642, Idaho Code, (three (3) years). (7-1-93)
04. Refunds and Additional Payments. The utility shall prepare a corrected billing indicating the refund due the customer or the amount due the utility. A customer who has been underbilled shall be given the opportunity to make payment arrangements under Rule 313 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. The utility shall promptly refund amounts overpaid by the customer unless the customer consents to a credit against future bills, except overbillings not exceeding fifteen dollars (\$15) may be credited to future bills. (7-1-93)

204. INACCURATELY BILLED SERVICE UNDER CORRECT TARIFF SCHEDULE -- FAILURE TO BILL FOR SERVICE (RULE 204).

01. Errors in Preparation--Malfunctions--Failure to Bill. Whenever the billing for utility service was not accurately determined because a meter malfunctioned or failed, bills were estimated, or bills were inaccurately prepared, the utility shall prepare a corrected billing. If the utility has failed to bill a customer for service, the utility shall prepare a bill for the period during which no bill was provided. (7-1-93)

02. Corrections. If the time when the malfunction or error began or the time when the utility began to fail to bill for service cannot be reasonably determined to have occurred within a specific billing period, the corrected billings shall not exceed the most recent six (6) months before the discovery of the malfunction or error or failure to bill. If the time when the malfunction or error or failure to bill began can be reasonably determined, the corrected billings shall go back to that time, but not to exceed the time provided by section 61-642, Idaho Code, (three (3) years). (7-1-93)

03. Refunds and Additional Payments. The utility shall prepare a corrected billing indicating the refund due to the customer or the amount due the utility. A customer who has been underbilled or who has not been billed shall be given the opportunity to make payment arrangements under Rule 313 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. The utility shall promptly refund amounts overpaid by the customer unless the customer consents to a credit against future bills, except overbillings not exceeding fifteen dollars (\$15) may be credited to future bills. (7-1-93)

205. CUSTOMERS WITH GOOD CREDIT--FINAL BILLS (RULE 205)

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

206. TRANSFER OF BILLS--RESIDENTIAL CUSTOMERS (RULE 206).

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

02. Customer's Responsibility. A customer shall not be held responsible for payment of an amount owed by any person who resides at the customer's premises or is a member of the customer's household, but whose 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; or (7-1-93)
- b. The customer has a legal obligation to pay the other person's bill. (7-1-93)

03. Notice of Transfer of Bill to Another Customer. No utility shall transfer any amount owed by a customer or former customer to another customer's account without written notice. The notice must include the following information concerning the bill amount the utility is proposing to transfer: (7-1-93)

- a. The name of the customer of record who owes the bill amount; (7-1-93)
- b. The service location involved; (7-1-93)
- c. The time over which the transferred bill was accumulated; (7-1-93)
- d. The amount owed; (7-1-93)
- e. The reason(s) for transferring the bill to the customer's account; (7-1-93)

- f. A statement that payment arrangements may be made on the amount owed; (7-1-93)
- g. A statement that the customer has the right to contest the transfer with the utility or the Commission; and (7-1-93)
- h. The response deadline after which the bill will be transferred. (7-1-93)
04. Response. The customer shall be given a minimum of seven (7) calendar days to respond to the utility's notice. (7-1-93)
05. Transfer of Bills for Customers Who Move. The utility shall not be required to notify a customer of its intent to transfer an amount owed if that customer remains the customer named on the bill and moves to another location within the utility's service territory, provided that the lapse in service does not exceed sixty (60) days for electric and water utilities, or one heating season for gas utilities. (7-1-93)

207. -- 299. (RESERVED).

Rules 300 through 400 - Denial and Termination of Service and Payment Arrangement Rules for Residential and Small Commercial Customers

300. FURTHER DEFINITIONS (Rule 300).

As used in Rules 301 through 313: (7-1-93)

01. Applicant. "Applicant" is restricted from its general definition to refer only to applicants for residential or small commercial service, unless further restricted by the rule. (7-1-93)
02. Customer. "Customer" is restricted from its general definition to refer only to residential or small commercial customers, unless further restricted by the rule. (7-1-93)
03. Non-Utility Service. "Non-utility service" means: (7-1-93)
- a. Service for which the Commission does not regulate rates, charges, or availability of service; (7-1-93)
- b. Service for which no rate or charge is contained in the utility's tariffs; or (7-1-93)
- c. Merchandise or equipment or charges for merchandise or equipment not required as a condition of receiving utility service. (7-1-93)
04. Residential and Small Commercial Classes. The Commission shall maintain on file a list of which customer classes of a given utility are residential and which are small commercial. (7-1-93)

301. REQUIREMENTS FOR AND CONTENTS OF NOTICE OF DENIAL OF SERVICE TO APPLICANT (RULE 301).

If the utility intends to deny service to an applicant, the utility must give the applicant written notice of the utility's refusal to serve. The notice shall state: (7-1-93)

01. Reasons. The reasons for denial of service; (7-1-93)
02. Actions of Applicant. Actions the applicant may take to receive service; and (7-1-93)
03. Complaint May Be Filed. That an informal or formal complaint concerning denial of service may be filed with the Commission. (7-1-93)

302. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITH PRIOR NOTICE (RULE 302).

A utility may deny or terminate service to a customer or applicant without the customer's or applicant's permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (7-1-93)

01. Failure to Pay. The customer or applicant did not pay undisputed delinquent bills or paid a delinquent bill with any check not honored by the bank. (7-1-93)

02. Failure to Make Security Deposit. The customer or applicant failed to make a security deposit, make an installment payment on a deposit, or obtain a guarantee, where it is required. (7-1-93)

03. Failed to Abide by Terms of Payment Arrangement. The customer or applicant failed to abide by the terms of a payment arrangement. (7-1-93)

04. Identity Misrepresentation. The customer or applicant misrepresented the customer's or applicant's identity for the purpose of obtaining utility service. (7-1-93)

05. Denial of Access to Meter. The customer or applicant denied or willfully prevented the utility's access to the meter. (7-1-93)

06. Willful Waste of Service. The utility determines as prescribed by relevant State or other applicable standards that the customer is willfully wasting service through improper equipment or otherwise. (7-1-93)

07. Misuse of Service. The customer or applicant is using service for which the customer or applicant did not apply. (7-1-93)

08. Previous Account Balance Owing. Nothing in this rule requires the utility to connect service for a customer who owes money on an existing account or from a previous account when that customer moves to a new residence that does not have service. (7-1-93)

303. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITHOUT PRIOR NOTICE (RULE 303).

A utility may deny or terminate service without prior notice to the customer or applicant and without the customer's or applicant's permission for one (1) or more of the following reasons: (7-1-93)

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

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

03. Illegal Use of Service. The service is obtained, diverted or used without the authorization or knowledge of the utility. (7-1-93)

04. Unable to Contact Customer. The utility has tried diligently to meet the notice requirements of Rule 304, but has been unsuccessful in its attempts to contact the customer affected. (7-1-93)

304. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF SERVICE (RULE 304).

01. Seven (7) Day Notice. If the utility intends to terminate service under Rule 302, the utility shall send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. This written notice shall contain the information required by Rule 305. This seven-day (7) notice does not apply under the conditions listed in Subsection 304.04. (7-1-93)

02. Twenty-Four (24) Hour Notice. At least twenty-four (24) hours before actual termination, the utility shall diligently attempt to contact the customer affected, either in person or by telephone, to advise the

customer of the proposed action and steps to take to avoid or delay termination. This oral notice shall contain the same information required by Rule 305. (7-1-93)

03. Additional Notice. If service is not terminated within seven (7) calendar days after the proposed termination date and the matter is not the subject of a pending complaint filed with this Commission, or other arrangements have not been made with the customer, the utility shall again make a diligent attempt to contact the customer, either in person or by telephone, to advise the customer of the proposed action. Actual termination is prohibited until a minimum of twenty-four (24) hours after notice or after the diligent attempt to notify. (7-1-93)

04. Payment with Check Not Honored by Bank. The requirement of seven (7) days' written notice shall not apply when: (7-1-93)

a. The customer does not make an initial payment according to a payment arrangement or makes the initial payment with a check not honored by the bank; or (7-1-93)

b. The customer, at a utility's collection visit to terminate service, tenders payment with a check not honored by the bank. In either case, the utility shall make a diligent attempt to contact the customer in person or by telephone to apprise the customer of the proposed action, and actual termination is prohibited until a minimum of twenty-four (24) hours after notice or after the diligent attempt. Further twenty-four (24) hour notices need not be given if the customer has been provided with a twenty-four-hour notice in the past seven days. (7-1-93)

305. CONTENTS OF NOTICE OF INTENT TO TERMINATE SERVICE (RULE 305).

The written or oral notice of intent to terminate service required by Rule 304 shall state: (7-1-93)

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

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

03. Medical Certificate. That a certificate notifying the utility of a serious illness or medical emergency in the household may delay termination as prescribed by Rule 308; (7-1-93)

04. Filing Complaints. That an informal or formal complaint concerning termination may be filed with the utility or the Commission, and that service will not be terminated on the ground relating to the dispute between the customer and the utility before resolution of the complaint (the Commission's address and telephone number must be given to the customer); and (7-1-93)

05. Payment Arrangements. That the utility is willing to make payment arrangements (this statement must be in bold print on written notices). (7-1-93)

306. TERMINATION OF RESIDENTIAL GAS AND ELECTRIC SERVICE--WINTER PAYMENT PLAN--REPORTING TO COMMISSION (RULE 306).

01. Restrictions on Termination of Service to Households with Children, Elderly, or Infirm. Except as provided in Rule 303, no gas or electric utility may terminate service or threaten to terminate service during the months of December through February to any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons. (7-1-93)

02. Definitions for This Rule. For purposes of this rule: (7-1-93)

a. "Children" are defined as persons eighteen (18) years of age or younger, but customers who are emancipated minors are not children under this rule. (7-1-93)

b. "Elderly" are defined as persons sixty two (62) years of age or older. (7-1-93)

c. "Infirm" are defined as persons whose physical health or safety would be seriously impaired by

termination of utility service.

(7-1-93)

03. Opportunity to Participate in Winter Payment Plan. Any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons must be offered the opportunity to establish a Winter Payment Plan. However, no customer may be required to establish such a plan. Except as provided in Rule 303, no gas or electric utility may terminate service during the months of November through March to any customer who establishes a Winter Payment Plan before November 1. A customer may establish a Winter Payment Plan after November 1, but the extended protection from termination of service offered under such a plan will not begin until the date the plan is established. Failure of a participating customer to make payments as required will result in cancellation of the plan and elimination of the extended protection from termination of service offered under the plan. The customer may use any source of funds to satisfy the payment requirements of Winter Payment Plan.

(7-1-93)

04. Amount of Payments Under Winter Payment Plan. Monthly payments under a Winter Payment Plan are equal to one-half (1/2) of the Level Pay Plan amount for that customer. The Level Payment Plan amount must be calculated according to Rule 313.06.

(7-1-93)

05. Payment Arrangements Following Winter Payment Plan. If a customer who received the protection of this rule has an outstanding balance owed to the utility, the customer must either pay this balance or negotiate a new payment arrangement.

(7-1-93)

a. On or after March 1, if the customer has not established a Winter Payment Plan; or

(7-1-93)

b. On or after April 1, if the customer has established a Winter Payment plan. Failure of a customer to pay or make payment arrangements on or after these dates may result in termination of service.

(7-1-93)

06. Successive Participation in Winter Payment Plan. A customer who participates in a Winter Payment Plan one year must be allowed to participate in succeeding years if the customer has honored the payment arrangements and the balance owing as of November 1 does not exceed seventy-five dollars (\$75) or the customer's utility bill for the previous thirty (30) days, whichever is greater. However, the utility is not required to connect or reconnect the service of a customer or applicant who does not currently have utility service and owes an unpaid, undisputed bill to the utility.

(7-1-93)

07. Reporting to the Commission. Written information on accounts actually terminated during the months of November through March must be furnished to the Commission on a regular basis. These reports shall include the following information:

(7-1-93)

a. The customer's name, address, and class of service;

(7-1-93)

b. The reason(s) for termination of service;

(7-1-93)

c. The amount owing, if any; and

(7-1-93)

d. Whether there are children, elderly or infirm persons in the household. The Commission may order reconnection of service when reconnection is determined to be appropriate.

(7-1-93)

08. Unoccupied Residences, Etc. Nothing in this rule prevents a gas or electric utility from terminating service to unoccupied residences or residences where the occupants have failed or refused to apply for utility service. Nothing in this rule requires the utility to connect service for a customer who owes money on an existing account when that customer moves to a new residence that does not currently have service.

(7-1-93)

307. THIRD-PARTY NOTIFICATION--RESIDENTIAL SERVICE (RULE 307).

Each gas or electric utility shall provide a program for its residential customers known as Third-Party Notification. Under this program, the utility will, at the request of the customer, notify orally or in writing a third-party designated by the customer of the utility's intention to terminate service. The third-party will be under no obligation to pay the bill, but as provided in Rule 313.08, no customer can be considered to have refused to enter a payment arrangement unless either the customer or the designated third-party has been given notice of the proposed termination of service

and of the customer's opportunity to make payment arrangements. (7-1-93)

308. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 308).

01. Medical Certificate--Postponement of Termination of Service. A utility shall postpone termination of utility service to a residential customer for thirty (30) days from the date of the receipt of a certificate by a licensed physician or public health official with medical training that states: (7-1-93)

a. The customer, a member of the customer's family, or other permanent resident of the premises where service is rendered is seriously ill or has a medical emergency or will become seriously ill or have a medical emergency because of termination of service, and (7-1-93)

b. Termination of utility service would adversely affect that customer, member of the customer's family, or resident of the household. (7-1-93)

02. Contents of Medical Certificate. This certificate must be in writing and show clearly the name of the person whose serious illness or medical emergency would be adversely affected by termination, the nature of the serious illness or medical emergency, and the name, title, and signature of the person giving notice of or certifying the serious illness or medical emergency. (7-1-93)

03. Restoration of Service. If service has already been terminated when the medical certificate is received, service shall be restored. The customer must receive service for thirty days from the utility's receipt of the certificate. (7-1-93)

04. Payment Arrangements. Before the expiration of the medical postponement, the customer must make payment arrangements with the utility in accordance with Rule 313. (7-1-93)

05. Second Postponement. The utility may postpone termination of service upon receipt of a second certificate stating that the serious illness or medical emergency still exists. (7-1-93)

06. Verification of Medical Certificate. The utility may verify the authenticity of the certificate and may refuse to delay termination of service if it is determined that the certificate is a forgery or is otherwise fraudulent. (7-1-93)

309. MEDICAL FACILITIES--SHELTER CARE (RULE 309).

Where service is provided to a customer known to the utility 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. (7-1-93)

310. INSUFFICIENT GROUNDS OR TERMINATION OF SERVICE (RULE 310).

No customer shall be given notice of termination of service nor shall the customer's service be terminated if: (7-1-93)

01. Unpaid Bill Less than Fifty Dollars (\$50). The customer's unpaid bill cited as grounds for termination totals less than fifty dollars (\$50) or two (2) months' charges for service, whichever is less. (7-1-93)

02. Unpaid Bill Not Customer's. The unpaid bill cited as grounds for termination is for utility service to any other customer (unless that customer has a legal obligation to pay the other customer's bill) or for any other class of service. (7-1-93)

03. Failure to Pay on Written Guarantee. The reason cited for termination is failure to pay on a written guarantee as provided for in Rule 103. (7-1-93)

04. Non-utility Service or Good. An unpaid bill results from the purchase of non-utility goods or services. (7-1-93)

311. RESTRICTIONS ON TERMINATION OF SERVICE--OPPORTUNITY TO AVOID TERMINATION OF SERVICE (RULE 311).

01. When Termination Not Allowed. Unless the customer affected has consented in writing, service shall not be terminated on any Friday after 12:00 noon, or on Saturday, Sunday, legal holidays recognized by the State of Idaho, or after 12:00 noon on any day immediately preceding any legal holiday, or at any time when the utility's business offices are not open for business, except as authorized by Rules 303.01 and 303.02. Services may be terminated only between the hours of 8:00 a.m. and 4:00 p.m., except as authorized by Rules 303.01 and 303.02. (7-1-93)

02. Personnel to Authorize Reconnection. Each utility 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 utility's satisfaction. (7-1-93)

03. Opportunity to Prevent Termination of Service. Immediately preceding termination of service, the employee designated to terminate service shall identify himself or herself to the customer or other responsible adult upon the premises and shall announce the purpose of the employee's presence. This employee shall have in his or her possession the past due account record of the customer and shall request any available verification that the outstanding bills are satisfied or currently in dispute before this Commission. Upon presentation of evidence that outstanding bills are satisfied or currently in dispute before this Commission, service shall not be terminated. The employee shall be authorized to accept full payment, or, at the discretion of the utility, partial payment, and in such case shall not terminate service. (7-1-93)

04. Notice of Procedure for Reconnecting Service. The employee of the utility designated to terminate service shall give to the customer or leave in a conspicuous location at the service address affected a notice showing the employee's Company employee number, the time of and grounds for termination, steps to be taken to secure reconnection, and the telephone numbers of utility personnel or other authorized representatives who are available to authorize reconnection. (7-1-93)

05. No Termination While Complaint Pending. Except as authorized by order of the Commission or of the Judiciary, service shall not be terminated for failure to pay amounts in dispute while a complaint filed pursuant to Rule 402 is pending before this Commission or while a case placing at issue payment for utility service is pending before a court in the state of Idaho. (7-1-93)

312. TERMINATION OF SERVICE TO MASTER-METERED ACCOUNTS AND RESIDENTS OR OCCUPANTS WHO ARE NOT CUSTOMERS (RULE 312).

01. Notice to Occupants or Residents Not Customers. Except as provided in Rules 303.01 and 303.02, no utility shall terminate service without providing written notice to the residents or occupants of: (7-1-93)

- a. A building or mobile home court where service is master-metered; or (7-1-93)
- b. A residence where the customer billed for service is not a resident or occupant of the premises being served. (7-1-93)

02. Seven (7) Day Notice to Occupants or Residents. The utility must notify the residents or occupants of its intent to terminate service at least seven (7) days before the proposed date of termination. The notice should be delivered to the premises or, in the case of multi-occupant buildings or mobile home parks, posted in common areas or a conspicuous location. The notice shall state: (7-1-93)

- a. The date of the notice; (7-1-93)
- b. The proposed termination date; (7-1-93)
- c. The amount due for the most recent billing period; and (7-1-93)

d. That the resident(s) or occupant(s) can negotiate directly with the utility to purchase future service at that location in the resident's(s') or occupant's(s') own name(s). (7-1-93)

313. PAYMENT ARRANGEMENTS (RULE 313).

01. Arrangements Allowed. When a customer cannot pay a bill in full, the utility shall continue to serve the customer if the customer and the utility agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the balance of the outstanding bill shall be paid. For customers who are unable to come to the utility's local office to make payment arrangements, a gas or electric utility must, upon request by the customer, make payment arrangements over the telephone, by mail or at the customer's home. (7-1-93)

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

03. Application of Payment. Payments are to be applied to the oldest balance owed on the customer's bill, except in the case of a disputed bill. If the customer disputes a bill, the customer's payments are to be applied to the oldest undisputed amount. (7-1-93)

04. Second Arrangement. If a customer fails to make the payment agreed upon by the date that it is due, the utility may, but is not obligated to, enter into a second such agreement. (7-1-93)

05. When Arrangement Not Binding. No payment arrangement shall be binding upon a customer if it requires the customer to forego any right provided for in these rules. (7-1-93)

06. Level Pay Plans Acceptable Payment Arrangement. Payment arrangements may be in the form of a Level Pay Plan that will equalize monthly payments of all arrears, if any, and anticipated future bill amounts over a period of not less than one year. No customer agreeing to a reasonable payment arrangement is required to choose this plan. (7-1-93)

07. First Payment Due. The first payment under the arrangement will be due one business day after the arrangement, unless the utility grants an extension. If the initial payment is not made, or if any check not honored by the bank is offered as initial payment, the utility may terminate service upon twenty-four (24) hour notice to the customer unless the customer has been provided with a twenty-four (24) hour notice in the past seven (7) days, in which case a twenty-four (24) hour notice is not required. (7-1-93)

08. Third-Party Contact. If a utility has been unable to contact a customer concerning termination, but has contacted the customer's third-party designated under Rule 307 and has failed to receive a response from the customer within seven (7) days after the third-party was contacted, the utility may treat the customer as one who has been contacted and has declined to enter into a reasonable payment arrangement. (7-1-93)

314. -- 400. (RESERVED).

Rules 401 through 499 - Complaint Procedure

401. COMPLAINT TO UTILITY (RULE 401).

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

02. Conference. Upon receiving each complaint or request for conference, the utility 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 the 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 utility's proposed disposition of the complaint. (7-1-93)

03. Service Maintained. The utility 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)

402. REVIEW BY COMMISSION (RULE 402).

01. Informal Review. If a customer or applicant who has complained to a utility is dissatisfied with a utility's proposed disposition of the complaint, the customer or applicant may request the Commission to informally review the disputed issue and the utility's proposed disposition of the complaint. (7-1-93)

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. Utility service shall not be terminated nor 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 utility 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. Customer's Rights Protected. No customer or applicant shall be denied the opportunity to file a complaint with the Commission. (7-1-93)

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)

403. RECORD OF COMPLAINTS (RULE 403).

01. Recordkeeping. Each utility must keep a written record of complaints and requests for conferences pursuant to Rules 401 and 402. These records must be retained for a minimum of one year at the office of the utility where the complaints were received or conferences held. These written records are to be readily available upon request by the concerned customer, the customer's agent possessing written authorization, or the Commission. The records must show whether the customer or applicant was advised as required by Rule 401.03 that the customer or applicant may request the Commission to review the utility's proposed disposition of the complaint. (7-1-93)

02. Reporting. Each utility must, at the Commission's request, submit a report to the Commission that states and classifies the number of complaints made to the utility pursuant to Rules 401 and 402, the general nature of their subject matter, how received (in person, by letter, etc.), and whether a Commission review was conducted. (7-1-93)

404. -- 499. (RESERVED).

Rules 500 through 599 - Customers in Multi-Occupant Buildings--Right to Billing Based Upon Customer's Own Use

500. -- 599. (RESERVED).

Rules 600 through 700 - Rules for Deposit, Denial, and Termination of Service for Industrial, Large Commercial and Irrigation Customers

600. DEFINITIONS (RULE 600).

As used in Rules 601 through 605. (7-1-93)

01. Advance Payment. "Advance payment" means a payment made prior to receiving service that will

be credited to the customer's account at a later date. (7-1-93)

02. Applicant. "Applicant" means an applicant for industrial, large commercial or irrigation service. (7-1-93)

03. Customer. "Customer" means an industrial, large commercial or irrigation customer, unless further restricted by the rule. The Commission will maintain on file a list of which customer classes of a given utility are industrial, large commercial, and irrigation. (7-1-93)

04. Deposit. "Deposit" means any payment held as security for future payment or performance that is reimbursable. (7-1-93)

601. DEPOSIT REQUIREMENTS AND ADVANCE PAYMENTS (RULE 601).

An applicant or customer may be required to pay a deposit or make an advance payment in accordance with the utility's tariff filed with the Commission. If an applicant or customer 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 Act of 1978, as amended, and, in particular, 11 U.S.C. 366, or as directed by the state court. (7-1-93)

602. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITH PRIOR NOTICE (Rule 602).

A utility may deny or terminate service to an industrial, large commercial or irrigation customer without its permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (7-1-93)

01. Failure to Pay Undisputed Bill. The customer or applicant did not pay undisputed delinquent bills or paid a delinquent bill with any check not honored by the bank. (7-1-93)

02. Failure to Pay Deposit. The customer or applicant failed to make a required advance payment, pay a deposit or provide an acceptable guarantee, when required by the applicable tariff or contract. (7-1-93)

03. The Customer or Applicant Failed to Comply with a Payment Arrangement. (7-1-93)

04. Identify Misrepresentation. The customer or applicant misrepresented the customer's or applicant's identity for the purpose of obtaining utility service. (7-1-93)

05. Denial of Access to Meter. The customer or applicant denied or willfully prevented the utility's access to the meter. (7-1-93)

06. Willful Waste of Service. The utility determines as prescribed by relevant State or other applicable standards that the customer is willfully wasting service through improper equipment or otherwise. (7-1-93)

07. Failure to Apply for Service. The customer or applicant failed to apply for service with the utility. (7-1-93)

603. REQUIREMENTS FOR AND CONTENTS OF NOTICE BEFORE TERMINATION OF SERVICE (RULE 603).

01. Seven (7) Day Notice. If the utility intends to terminate service under Rule 6.1, the utility shall send to the customer written notice of termination mailed at least seven (7) calendar days prior to termination. (7-1-93)

02. Contents of a Notice. The written notice of termination shall state: (7-1-93)

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

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

c. That an informal or formal complaint concerning the termination may be filed with this Commission; and (7-1-93)

d. That service will not be terminated prior to the resolution of such a filed complaint (if the resolution is in favor of the utility, the Commission shall set the date of termination). (7-1-93)

03. Twenty-Four (24) Hour Notice. At least twenty-four (24) hours prior to actual termination, the utility shall diligently attempt to contact the customer affected, either in person or by telephone, to apprise the customer of the proposed action. This oral notice shall contain the same information required above for written notice. Each utility shall maintain clear, written records of these oral notices, showing dates and the utility employee giving the notices. (7-1-93)

604. GROUNDS FOR TERMINATION OF SERVICE WITHOUT PRIOR NOTICE (RULE 604).

A utility may terminate service without prior notice to the customer as specified in Rule 602 only: (7-1-93)

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

02. Order to Terminate. Upon order by any court, the Commission, or any other duly authorized public authority. (7-1-93)

03. Illegal Use of Utility. If such service is obtained, diverted or used without the authorization or knowledge of the utility; or (7-1-93)

04. Unable to Contact Customer. If the utility has tried diligently to meet the notice requirements of Rule 602, but has been unsuccessful in its attempt to contact the customer. (7-1-93)

605. NOTICE TO COMMISSION PRIOR TO TERMINATION (RULE 605).

No industrial or large commercial customer shall have its service terminated unless the Commission is given written notice seven (7) days before the termination. The Commission may stay termination of service upon its finding that the public interest requires service to be maintained to the customer. (7-1-93)

606. -- 700. (RESERVED).

Rules 701 through 800 - Summary of Customer Rules

701. SUMMARY OF RULES (RULE 701).

Each utility must make available to its customers a summary of this chapter approved by the Commission. The summary shall be provided to customers at least once each year and must be available at local offices of the utility in Idaho and provided to each new customer upon commencement of service. The summary sent by gas and electric utilities must include or be accompanied by information explaining the Third-Party Notification Program described in Rule 307 and a statement of the utility's willingness pursuant to Rule 311 to make payment arrangements to assist customers having difficulty paying their utility bills. Foreign language summaries of the rules provided by the Commission to the utilities must be made available to customers, civic organizations, etc., on request. (7-1-93)

702. -- 999. (RESERVED).