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**IDAPA 31
TITLE 41
Chapter 02**

31.41.02 - INFORMATION TO CUSTOMERS OF TELEPHONE COMPANIES

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, 62-606, 62-612, and 62-616, Idaho Code, with regard to service. (7-1-93)

001. TITLE AND SCOPE (Rule 1).

The name of this chapter is "Information to Customers of Telephone Companies". This chapter has the following scope: All telephone companies (whether regulated under Title 61 or Title 62 of the Idaho Code) are required by these rules. (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, PO Box 83720, Boise, Idaho 83720-0074, or may be reached 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. (7-1-93)

003. ADMINISTRATIVE APPEALS (Rule 3).

There are no administrative appeals under these rules because there are no proceedings under these rules. (7-1-93)

004. PUBLIC RECORDS ACT COMPLIANCE (Rule 4).

All correspondence with regard to these rules is a public record subject to inspection, examination and copying. (7-1-93)

005. DEFINITIONS (Rule 5).

The term "telephone company" means a telephone corporation as defined by Sections 61-121 and 62-602, Idaho Code, and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes. (7-1-93)

006. CITATION (Rule 6).

The official citation of these rules is IDAPA 31.41.02.000 et seq. For example, this rule is cited as IDAPA 31.41.02.006. In documents submitted to the Commission or issued by the Commission, these rules may be cited by their short title of Telephone Customer Information Rules (TCIR) and the parenthetical rule number. For example, this rule may be cited as TCIR 6. (7-1-93)

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

The Commission has adopted predecessors to these rules in 1986. They were most recently codified at IDAPA 31.D.8. They were readopted and reformatted by rulemaking decision in Docket Number 31-4102-9301, effective July 1, 1993. The history of 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. -- 100. (RESERVED).

RULES 101 THROUGH 200 - INFORMATION TO CUSTOMERS OF TELEPHONE COMPANIES

101. EXPLANATION OF RATE SCHEDULE--LECS (Rule 101).

Each telephone company offering local exchange service shall transmit annually to each of its residential or small business customers and give to each such new customer at the time of initiation of local exchange service a clear and concise written explanation of all the services to which the customer subscribes and the charges for those services. (7-1-93)

102. NOTICES TO CUSTOMERS OF PROPOSED CHANGES IN RATES (Rule 102).

01. Customer Notice Of Rate Change Proposed By Local Exchange Companies. Each local exchange company that applies for a rate change for any service regulated by this Commission under the Public Utilities Law (Chapters 1 through 7, Title 61, Idaho Code) provided to any residential or small business customer shall give to each such customer a statement (customer notice) announcing the application. If the telephone company is requesting a rate increase, the customer notice shall include a brief explanation of the company's need for additional revenue and the dollar amount requested. The notice shall give the proposed overall percentage change from current revenue levels, and its proposed percentage increase in revenues from local rates and charges, as well as the proposed percentage increase in rates for the most commonly used residential and small business services. The customer notice shall make it clear that the application is a proposal, subject to public review and a Commission decision. It shall also inform customers that a copy of the Company's application is available for public review at the offices of both the Commission and the Company. (7-1-93)

02. Distribution Of Customer Notices. The customer notices referred to in Rule 102.01 may be mailed to customers as bill stuffers over the course of a billing cycle or may be contained in additional comment pages to the customer's monthly bill. If additional comment pages are used, the information required by these rules is to be clearly identified, easily understood and pertain only to the proposed rate change. (7-1-93)

03. Press Release. In instances covered by Rule 102.01, the local exchange company must also send a press release containing, at minimum, the same information presented in the customer notices, to all newspapers and radio and television stations listed on the Commission's news organization list for that company. The press releases shall be mailed or delivered simultaneously with the filing of the application. A copy of the press release shall be filed with the application. (7-1-93)

04. Public Notice. In all other cases, 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. (7-1-93)

05. Purposes And Effects Of This Rule. The purposes of Rule 102.01 through 102.03 of this rule are to encourage wide dissemination to customers of information concerning proposed rate changes for Title 61 services. It is not a purpose of these paragraphs to create due process or other procedural rights in customers by expanding, contracting, or otherwise modifying the notice and due process rights of customers under the Public Utilities Law and the Commission's Rules of Procedure. Accordingly, Rule 102.01 through 102.03 creates no individual procedural rights in any customer for notice that would give rise to a due process or other procedural claim cognizable by the Commission, but failure to comply with Rule 102.01 through 102.03 can be grounds for returning an application for incompleteness. Public notice required by Rule 102.04, in contrast, is a statutory precondition to changes in tariffs or price lists for Title 62 services. Section 62-606, Idaho Code, provides:

"Changes to such tariffs or price lists shall be effective not less than ten (10) days after filing with the commission, and giving public notice to affected customers. Changes to tariffs or price lists that are for nonrecurring services and that are quoted directly to the customer when an order is placed, or changes that result in price reductions, shall be effective immediately upon filing with the commission and no other public notice shall be required." This rule does not modify that statutory provision for Title 62 services. (7-1-93)

103. SUMMARY OF TESTIMONY (Rule 103).

At all Commission hearings in which a telephone company is sponsoring testimony, the telephone company shall make available to the public a brief written summary of the company's position(s) and testimony filed in the case under consideration except when the Commission has determined that a summary is not necessary. If the telephone company is requesting a rate increase, its summary shall address the company's need for additional revenue, the total

dollar amount requested, and the proposed percentage increase or decrease in rates for the most commonly used residential and small business services. The Commission Staff and intervenors shall also provide a brief summary of their recommendations and the testimony filed in the case under consideration. The Commission may also require that an oral presentation or briefing be provided to the public prior to the beginning of the hearing. These summaries and presentations are provided solely for the convenience of the public and will not be allowed as evidence or form the basis for cross-examination of any witness. (4-5-00)

104. NON-PUBLISHED SERVICE (Rule 104).

Each telephone company offering local exchange service is required to inform all customers subscribing to non-published service of the circumstances under which information about the customer or the customer's service will be released and to whom it will be released. (7-1-93)

105. TELEPHONE SOLICITATIONS (Rule 105).

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 substantially similar: (7-1-93)

106. IMPORTANT NOTICE CONCERNING PURCHASE OF GOODS AND SERVICES BY TELEPHONE.

01. Rights Under Act. 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): (7-1-93)

- a. To intimidate or harass you in connection with the attempted sale. (7-1-93)
- b. To refuse to hang up and free your telephone line immediately once you request them to do so. (7-1-93)
- c. 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. (7-1-93)
- d. To advertise, represent or imply that they have the endorsement of any government office or agency when they do not. (7-1-93)
- e. To advertise, represent or imply that they have a valid registration number with the Attorney General when they do not. (7-1-93)
- f. To use any unfair method of competition or unfair or deceptive practice. (7-1-93)

02. Eighteen Years Old. 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. (7-1-93)

03. Right To Reconsider And Cancel. When you agree to purchase goods or services over the telephone, you may have a right to reconsider and cancel your agreement for three business days after receiving a written confirmation of the sale. (7-1-93)

04. Violated Rights. 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. (7-1-93)

05. Unlawful Acts. 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) (7-1-93)

107. -- 999. (RESERVED).

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