

Dear Senators LODGE, Guthrie, Stennett, and  
Representatives CRANE, Armstrong, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Public Utilities Commission:

IDAPA 31.00.00 - Notice of Omnibus Rulemaking - Proposed Rule (Docket No. 31-0000-2100).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 11/18/2021. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/16/2021.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



**Terri Kondoff**  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee

**FROM:** Legislative Drafter - Trevor Ahrens

**DATE:** November 01, 2021

**SUBJECT:** Public Utilities Commission

IDAPA 31.00.00 - Notice of Omnibus Rulemaking - Proposed Rule (Docket No. 31-0000-2100)

#### **Summary and Stated Reasons for the Rule**

The Idaho Public Utilities Commission submits notice of proposed rules. According to the commission, the rulemaking republishes the following rule chapters, previously submitted under IDAPA 31, rules of the Idaho Public Utilities Commission:

#### **IDAPA 31**

- 31.12.01, Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission;
- 31.21.01, Customer Relations Rules for Gas, Electric, and Water Public Utilities (The Utilities Customer Relations Rules);
- 31.26.01, Meter-Metering Rules for Electric Utilities;
- 31.31.01, Gas Service Rules;
- 31.36.01, Policies and Presumptions for Small Water Companies;
- 31.41.01, 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);
- 31.46.01, Universal Service Fund Rules;
- 31.46.02, Rules for Telecommunications Relay Services (TRS);
- 31.61.01, Rules for the Measurement of Stray Current or Voltage (Stray Voltage Rules); and
- 31.81.01, Energy Consumption Reporting Rules.

#### **Negotiated Rulemaking / Fiscal Impact**

The commission notes that negotiated rulemaking was not conducted because engaging in negotiated rulemaking for all previously existing rules would inhibit the agency from carrying out its ability to protect health, safety, and welfare. The department also confirms that the rulemaking is not anticipated to have any fiscal impact on the general fund.

#### **Statutory Authority**

Paul Headlee, Deputy Director Legislative Services Office	Kristin Ford, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Glenn Harris, Manager Information Technology
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Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
legislature.idaho.gov

The rulemaking appears to be authorized pursuant to Sections of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code; Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code; Chapters 3 and 4, Title 62, Idaho Code; the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the particular authority of Sections 56-904, 61-304, 61-305, 61-306, 61-307, 61-308, 61-309, 61-501, 61-502, 61-503, 61-504, 61-505, 61-507, 61-516, 61-538, 61-541, 61-601, 61-602, 61-603, 61-604, 61-605, 61-606, 61-607, 61-608, 61-609, 61-610, 61-11, 61-611, 61-612, 61-613, 61-614, 61-615, 61-616, 61-617, 61-618, 61-619, 61-621, 61-622, 61-623, 61-624, 61-625, 61-626, 61-803, 61-804, 61-805, 61-806, 61-902, 61-903, 61-904, 61-905, 61-909, 61-1003, 61-1004, 61-1005, 61-1007, 61-1305, 61-1306, 61-1603, 61-1604, 61-1605, 61-1606, 61-1607, 61-1703, 61-1704, 61-1705, 61-1706, 61-1707, 61-1708, 61-1709, 62-304, 62-305, 62-424, 62-602, 62-603, 62-604, 62-605, 62-606, 62-607, 62-608, 62-609, 62-610, 62-611, 62-612, 62-613, 62-614, 62-615, 62-616, 62-619, 62-622, 62-1201, 61-1203, 61-1204, 61-1205, 61-1206, 61-1207, 62-1303, 62-1304, 63-3029I, and 67-6528, Idaho Code; and Executive Order No. 20201-01.

cc: Public Utilities Commission  
Jan Noriyuki

**\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

# IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-0000-2100

## NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code. Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code; Chapters 3 and 4, Title 62, Idaho Code; the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the particular authority of Sections 56-904, 61-304, 61-305, 61-306, 61-307, 61-308, 61-309, 61-501, 61-502, 61-503, 61-504, 61-505, 61-507, 61-516, 61-538, 61-541, 61-601, 61-602, 61-603, 61-604, 61-605, 61-606, 61-607, 61-608, 61-609, 61-610, 61-611, 61-612, 61-613, 61-614, 61-615, 61-616, 61-617, 61-618, 61-619, 61-621, 61-622, 61-623, 61-624, 61-625, 61-626, 61-803, 61-804, 61-805, 61-806, 61-902, 61-903, 61-904, 61-905, 61-909, 61-1003, 61-1004, 61-1005, 61-1007, 61-1305, 61-1306, 61-1603, 61-1604, 61-1605, 61-1606, 61-1607, 61-1703, 61-1704, 61-1705, 61-1706, 61-1707, 61-1708, 61-1709, 62-304, 62-305, 62-424, 62-602, 62-603, 62-604, 62-605, 62-606, 62-607, 62-608, 62-609, 62-610, 62-611, 62-612, 62-613, 62-614, 62-615, 62-616, 62-619, 62-622, 62-1201, 62-1202, 61-1203, 61-1204, 61-1205, 61-1206, 62-1207, 62-1303, 62-1304, 63-3029I, and 67-6528, Idaho Code, and Executive Order No. 20201-01.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

<b>Wednesday, October 27, 2021 @ 10:00 a.m. (MT)</b>
<b>Idaho Public Utilities Commission Hearing Room 11331 W. Chinden Blvd. Building 8, Suite 201-A Boise, Idaho 83714</b>
<i>For those who want to call in and listen:</i> <b>1-800-920-7487 Participant code: 9877 951#</b>
<i>For those who want to call in and submit verbal testimony:</i> <b>1-800-920-7487 Participant code: 6674 832#</b>

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rulemaking publishes the following rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 31, rules of the Idaho Public Utilities Commission:

**IDAPA 31**

- 31.12.01, *Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission;*
- 31.21.01, *Customer Relations Rules for Gas, Electric, and Water Public Utilities (The Utility Customer Relations Rules);*
- 31.26.01, *Master-Metering Rules for Electric Utilities;*
- 31.31.01, *Gas Service Rules;*

- 31.36.01, *Policies and Presumptions for Small Water Companies*;
- 31.41.01, *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)*;
- 31.46.01, *Universal Service Fund Rules*;
- 31.46.02, *Rules for Telecommunications Relay Services (TRS)*;
- 31.61.01, *Rules for the Measurement of Stray Current or Voltage (Stray Voltage Rules)*; and
- 31.81.01, *Energy Consumption Reporting Rules*.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rule(s) being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules, contact Stephen Goodson at (208) 334-0323.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this October 20, 2021.

Jan Noriyuki, Commission Secretary  
Idaho Public Utilities Commission  
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A  
Boise, ID 83714  
P.O. Box 83720  
(208) 334-0323 Office  
(208) 334-4045 Fax

**31.12.01 – SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES REGULATED  
BY THE IDAHO PUBLIC UTILITIES COMMISSION**

**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 specific legal authority of Section 61-524, Idaho Code. ( )

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission.” This chapter has the following scope: All Class A and B electric, gas, telephone, and water public utilities are required to maintain their books and records according to the systems of accounts adopted by this rule. ( )

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. ( )

**003. ADMINISTRATIVE APPEALS (RULE 3).**

Any person requesting a waiver from any provision of the Uniform Systems of Accounts pay petition the Idaho Public Utilities Commission for a waiver pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. ( )

**004. (RESERVED)**

**005. DEFINITIONS (RULE 5).**

The terms “electrical corporation,” “gas corporation,” “telephone corporation,” and “water corporation” have the meanings given to them by statute in Chapter 1, Title 61, Idaho Code and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes. ( )

**006. -- 007. (RESERVED)**

**008. INCORPORATION BY REFERENCE (RULE 8).**

Rule 101, 102, 103 and 104 incorporate by reference various federal accounting regulations and accounting standards issued by the National Association of Regulatory Utility Commissioners. Each applicable rule identifies the issuing entity for each regulation or standard and indicates where the incorporated materials may be obtained. Incorporated materials are also available for inspection and copying at the offices of the Idaho Public Utilities Commission and the Idaho State Law Library. ( )

**009. -- 100. (RESERVED)**

**UNIFORM SYSTEMS OF ACCOUNTS  
Rules 101 through 200**

**101. UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC UTILITIES (RULE 101).**

The Commission adopts by reference the Uniform System of Accounts for Major (previously Class A and B) Electric Utilities contained in the Code of Federal Regulations, Title 18, Part 101 (April 1, 2007), viewable online at [www.govinfo.gov/app/collection/cfr/2007](http://www.govinfo.gov/app/collection/cfr/2007). For payment by credit card, call toll-free 866-512-1800. The accounts adopted by reference are adopted for convenience of establishing uniform systems of accounts only for accounting and reporting and do not bind the Commission in any manner to any particular ratemaking treatment of items in those accounts. All Major electrical corporations subject to the regulatory authority of the Idaho Public Utilities Commission are required to maintain their regulatory books according to the system of accounts adopted by this rule. ( )

**102. UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES (RULE 102).**

The Commission adopts by reference the Uniform System of Accounts for Major (previously Class A and B) Natural Gas Companies contained in the Code of Federal Regulations, Title 18, Part 201 (April 1, 2007), viewable online at [www.govinfo.gov/app/collection/cfr/2007](http://www.govinfo.gov/app/collection/cfr/2007). For payment by credit card, call toll-free 866-512-1800. The accounts adopted by reference are adopted for convenience of establishing uniform systems of accounts only for accounting and reporting and do not bind the Commission in any manner to any particular ratemaking treatment of items in those accounts. All Major gas corporations subject to the regulatory authority of the Idaho Public Utilities Commission are required to maintain their regulatory books according to the system of accounts adopted by this rule. ( )

**103. UNIFORM SYSTEM OF ACCOUNTS FOR TELEPHONE UTILITIES (RULE 103).**

The Commission adopts by reference the Uniform System of Accounts for Class A and B Telephone Utilities contained in the Code of Federal Regulations, Title 47, Part 32 (October 1, 2007), viewable online at [www.govinfo.gov/app/collection/cfr/2007](http://www.govinfo.gov/app/collection/cfr/2007). For payment by credit card, call toll-free 866-512-1800. The accounts adopted by reference are adopted for convenience of establishing uniform systems of accounts only and do not bind the Commission in any manner to any particular ratemaking treatment of items in those accounts. All Class A and B telephone corporations subject to the regulatory authority of the Idaho Public Utilities Commission are required to maintain their regulatory books according to the system of accounts adopted by this rule. ( )

**104. UNIFORM SYSTEM OF ACCOUNTS FOR WATER UTILITIES (RULE 104).**

The Commission adopts by reference the Uniform System of Accounts for Class A and B Water Utilities, 1996 Edition, published by the National Association of Regulatory Utility Commissioners (NARUC), available at [www.naruc.org/store](http://www.naruc.org/store). The accounts adopted by reference are adopted for the convenience of establishing uniform systems of accounts only and do not bind the Commission in any manner to any particular ratemaking treatment of items in these accounts. All Class A and B water corporations subject to the regulatory authority of the Idaho Public Utilities Commission are required to maintain their regulatory books according to the system of accounts adopted by this rule. ( )

**105. -- 999. (RESERVED)**

**31.21.01 – CUSTOMER RELATIONS RULES FOR GAS,  
ELECTRIC, AND WATER PUBLIC UTILITIES  
(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. ( )

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Customer Relations Rules for Gas, Electric, and Water Public Utilities (the Utility Customer Relations Rules).” This chapter has the following scope: These rules provide a set of fair, just, reasonable, and non-discriminatory rules with regard to deposits, guarantees, billing, application for service, denial of service, termination of service and complaints to utilities. ( )

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. ( )

**003. ADMINISTRATIVE APPEALS (RULE 3).**

This rule governs formal complaints and requests for exemption under these rules. Any person 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 hardships result from the application of any of these rules, any person 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. ( )

**004. (RESERVED)**

**005. DEFINITIONS (RULE 5).**

The following definitions are used in this title and chapter: ( )

**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. Utilities may require an adult or minor competent to contract to join a minor not competent to contract as an applicant. ( )

**02. Customer.** Unless restricted by definition within a rule or group of rules to a particular class of customer, “customer” means any person who has applied for, has been accepted by the utility, and is: ( )

**a.** Receiving service from a utility; or ( )

**b.** Has received service within the past ten (10) calendar days prior to termination by the utility; or ( )

**c.** Has assumed 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 or terminating service, receiving refunds, or making changes to the account. ( )

**03. 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. ( )

**006. -- 007. (RESERVED)**

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

Utilities will not discriminate against or penalize a customer for exercising any right granted by these rules. ( )

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

Commission staff may informally interpret these rules and utility tariffs and investigate complaints filed with this Commission. The Commission reserves the authority to issue orders interpreting these rules and utility tariffs, and



resolving formal complaints. ( )

**010. CONFLICT WITH UTILITY TARIFFS (RULE 11).**

If a utility's tariff denies or restricts customer rights protected by these rules, these rules supercede the conflicting tariff provisions. ( )

**011 -- 099. (RESERVED)**

**RESIDENTIAL AND SMALL COMMERCIAL; DEPOSITS**  
**Rules 100 through 199**

**100. FURTHER DEFINITIONS (RULE 100).**

As used in Rules 101 through 109: ( )

**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. ( )

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

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

**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. ( )

**101. DEPOSIT REQUIREMENTS (RULE 101).**

**01. Residential Customers.** Utilities will not 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 lack of previous history with the utility does not, in itself, constitute such proof. Utilities will 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: ( )

**a.** The customer or applicant has outstanding a prior residential service account with the utility that accrued within the last four (4) years and at the time of application for service remains unpaid and not in dispute. ( )

**b.** The customer's or applicant's service from the utility has been terminated within the last four (4) years for one (1) or more of the following reasons: ( )

**i.** Nonpayment of any undisputed delinquent bill; ( )

**ii.** Obtaining, diverting or using service without the utilities authorization or knowledge. ( )

**c.** The utility has determined that information provided by the applicant upon application for service is materially false or materially misrepresents the applicant's true status. ( )

**d.** The applicant has not had service with the utility for a period of at least twelve (12) consecutive months during the last four (4) years, and does not pass an objective credit screen. ( )

**e.** The applicant requests service at a residence where a former customer who owes a past due balance for service incurred at that location still resides. ( )

**f.** The utility has given the customer two (2) or more written final notices of termination within the last twelve (12) consecutive months. ( )

**02. Small Commercial Customers.** Utilities will 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: ( )

- a. Any of the criteria listed in Rule Subsection 101.01 of this rule are present. ( )
- b. The applicant has not had previous service with that utility. ( )

**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 Laws. ( )

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

Utilities will 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, race, creed, sex, age, national origin, marital status, number of dependents, or any other criterion not authorized by these rules. Rules governing deposits will be applied uniformly. ( )

**103. (RESERVED)**

**104. EXPLANATION FOR REQUIREMENT OF DEPOSIT (RULE 104).**

If the utility requires a cash deposit as a condition of providing service, then it will immediately notify the applicant or customer verbally or in writing why a deposit is required. The applicant or customer will have an opportunity to rebut those reasons. The notice will also advise the applicant or customer that if there is a dispute, an informal or formal complaint may be filed with the Commission. ( )

**105. AMOUNT OF DEPOSIT (RULE 105).**

**01. Amount of Deposit.** A deposit allowed pursuant to Rule 101 as a condition of service will not exceed one-sixth (1/6) the amount of reasonably estimated billing for one (1) year at rates then in effect. Where gas service is used for space heating purposes only, the deposit will not exceed the total of the two (2) highest months' bills during the previous twelve (12) consecutive months, adjusted for currently effective rates. Deposit amounts will be based upon the use of service at the premises during the prior year or upon the type and size of equipment using the utility's service. ( )

**02. Installment Payments of Deposit.** The utility will advise the applicant or customer that the deposit may be paid in two (2) installments. One-half (1/2) of the deposit amount is due immediately with the remaining installment payable in one (1) month. ( )

**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: ( )

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 ( )

b. Service has been permanently terminated and the utility has been unsuccessful in its attempt to refund a deposit. ( )

**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. ( )

**107. RETURN OF DEPOSIT (RULE 107).**

**01. Former Customers.** Upon termination of service, the utility will credit the deposit (with accrued interest) to the final bill and promptly return any remaining balance to the customer. ( )

**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 utility will promptly return the deposit (with accrued interest) by either crediting the customer's current account or issuing a refund. ( )

**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 will pay interest at the annual rates established in Rule 106 for the entire period over which the deposit was held. ( )

**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. ( )

**108. TRANSFER OF DEPOSIT (RULE 108).**

Deposits will 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 (with accrued interest) will be either transferred to the account for the new location or credited to the customer's current account. ( )

**109. RECORDS OF DEPOSIT (RULE 109).**

**01. Records of Deposit.** Each customer paying a deposit or the initial installment on a deposit must be provided the following information in writing: ( )

- a. Name of customer and service address for which deposit is held; ( )
- b. Date of payment(s); ( )
- c. Amount of payment(s); and ( )
- d. Terms and conditions governing the return of deposits. ( )

**02. Retention of Records.** Each utility will 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 a record of the deposit. The utility will 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 will retain records of deposits that have been refunded to customers for a period of three (3) years after the date of refund. The utility shall retain records of unclaimed deposits for seven (7) years as required by Section 14-531, Idaho Code. ( )

**03. Transfer of Records.** Upon the sale or transfer of any utility or any of its operating units, the seller will 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. ( )

**110. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 110).**

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

**02. Financial Assistance Program.** A utility 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 utility's low income and disadvantaged customers with payment of utility bills. The utility will 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. ( )

**111. -- 199. (RESERVED)**

**BILLING**  
**Rules 200 through 299**

**200. FURTHER DEFINITION (RULE 200).**

As used in Rules 201 through 207, "bill" or "billing statement" refers to a written request for payment listing charges for services provided. An electronic billing statement may be provided upon customer request. Oral notice of the amount of charges pending is not a bill. ( )

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

**01. Billing Statements.** Billing statements will be issued regularly and will contain the following information: ( )

- a.** The date the billing statement was issued. ( )
- b.** The time period covered by the billing statement. ( )
- c.** The beginning and ending meter readings and the quantity of service provided, if service is metered. The billing statement must be clearly marked as estimated if meter data is unavailable. ( )
- d.** The due date of the bill and, if automatic payment is authorized by the customer, the date funds will be withdrawn or the credit card charged. ( )
- e.** An itemization of all charges, both recurring and nonrecurring. ( )
- f.** Any amount transferred from another account. ( )
- g.** Any amount past due. ( )
- h.** Any payments or credits applied to the customer's account since the last billing statement. ( )
- i.** The total amount due. ( )
- j.** Contact information for the utility, including the toll-free telephone number(s) available to customers for answering billing inquiries. ( )

**02. Comparison of Consumption Data.** Billing statements for customers of gas, electric, and certain water utilities will also include the following information: ( )

**a.** Each gas and electric utility will compare on each customer's regular billing the customer's actual consumption of gas or electricity with the customer's actual consumption of gas or electricity for the corresponding billing period in the previous year. If the billing periods being compared contain a different number of days, the utility will adjust the data to take into account the different length of the billing periods and show the comparison as an absolute change in therm use or kilowatt hour use per day. Upon request, the utility must make degree day adjusted data available to be provided to customers for comparison. ( )

**b.** Each water utility with more than five thousand (5,000) customers will compare on each customer's regular billing the customer's actual consumption of water with the customer's actual consumption of water for the corresponding billing period in the previous year. The usage comparison will be expressed in gallons or cubic feet based upon total consumption for each billing period or average consumption per day during each billing

period. ( )

**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. ( )

**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 utility will either extend the due date up to an additional fifteen (15) days or bill the customer in a cycle that corresponds to the customer's receipt of funds. ( )

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

**01. Billing Errors -- Failure to Bill.** Whenever the billing for utility service was not accurately determined for reasons such as a meter malfunction or failure, incorrect installation or programming of metering equipment, or errors in preparation of bills, the utility will prepare a corrected billing. If the utility has failed to bill a customer for service provided, the utility will prepare a bill for the period during which service was provided and the customer was not billed. At its discretion, the utility may waive rebilling for undercharges. ( )

**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 utility. If a customer is billed under an incorrect rate, the utility must recalculate the customer's past bills and correctly calculate future bills based on the appropriate rate. The utility is not required to adjust bills when it has acted in good faith based upon information provided by the customer. ( )

**03. Rebilling Time Period. ( )**

**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 specific period, the corrected billings will not exceed the most recent six (6) months before the discovery of the billing problem. ( )

**b.** If the time when the billing problem began can be reasonably determined and the utility determines the customer was overcharged, the corrected billings will 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. ( )

**c.** If the time when the billing problem can be reasonably determined and the utility determines the customer was undercharged, the utility 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. Utilities must implement procedures designed to monitor and identify customers who have not been billed or who have been inaccurately billed. ( )

**04. Refunds.** The utility will promptly recalculate the refund amounts overpaid by the customer and issue a credit within two (2) billing cycles. Any remaining credit balance will be credited against future bills unless the customer, after notice from the utility, requests a refund. The utility will advise the customer of the option to have any remaining credit balance exceeding twenty-five dollars (\$25) refunded. ( )

**05. Additional Payments.** The utility will promptly prepare a corrected billing for a customer who has been undercharged indicating the amount owed to the utility. An unbilled or undercharged customer must 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. ( )

204. -- 205. (RESERVED)

**206. RESPONSIBILITY FOR PAYMENT 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. ( )

**02. Customer's Responsibility.** A utility will not hold a customer responsible for paying an amount owed by anyone 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: ( )

**a.** The customer signs a written agreement to pay or otherwise expressly accepts responsibility for payment of the other person's bill; or ( )

**b.** The customer has a legal obligation to pay the other person's bill. ( )

**03. Customer Notice.** The utility will provide written notice of its intent to add to the customer's bill for current service an amount owed for. The notice may be provided in an electronic format with the customer's consent: ( )

**a.** Another person's bill; or ( )

**b.** Service rendered at a former service location, provided that the lapse in service exceeds sixty (60) calendar days. ( )

**04. Contents of Notice.** The notice must include: ( )

**a.** The name of the customer of record who owes the bill amount; ( )

**b.** The service location involved; ( )

**c.** The time over which the bill amount was accumulated; ( )

**d.** The amount owed; ( )

**e.** The reason(s) for adding the bill amount to the customer's bill statement; ( )

**f.** A statement that payment arrangements may be made on the amount owed; ( )

**g.** A statement that the customer has the right to contest the utility's proposed action with the utility or the Commission; and ( )

**h.** The response deadline after which the bill amount will be added to the customer's bill statement. ( )

**05. Opportunity to Respond.** The utility will give the customer at least seven (7) calendar days from the date of the proposed action to respond to the utility's notice. ( )

**207. BILLING PROHIBITED (RULE 207).**

Utilities will not bill for non-utility service(s) or merchandise not ordered or otherwise authorized by the customer of record. Any charges for these services that appear on a customer's bill will be removed from the customer's bill within two (2) billing cycles after the customer notifies the utility. A utility that unknowingly submits a bill containing charges for non-utility service(s) or merchandise not ordered or otherwise authorized by the customer of record will not have violated this rule if the disputed amounts are removed from the customer's bill. ( )

208. -- 299. (RESERVED)

**DENIAL AND TERMINATION OF SERVICE AND PAYMENT ARRANGEMENT RULES  
FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS  
Rules 300 through 399**

**300. FURTHER DEFINITIONS (RULE 300).**

As used in Rules 301 through 313: ( )

**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. ( )

**02. Customer.** “Customer” is restricted from its general definition to refer only to residential or small commercial customers, unless further restricted by the rule. ( )

**03. Non-Utility Service.** “Non-utility service” means: ( )

**a.** Service for which the Commission does not regulate rates, charges, or availability of service; ( )

**b.** Service for which no rate or charge is contained in the utility’s tariffs; or ( )

**c.** Merchandise or equipment or charges for merchandise or equipment not required as a condition of receiving utility service. ( )

**04. Written Notice.** “Written notice” of the utility’s intent to deny or terminate service may be mailed or otherwise delivered to the applicant, resident, occupant, or customer. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to “opt-in” to receiving electronic notification. ( )

**301. EXPLANATION FOR DENIAL OF SERVICE TO APPLICANT (RULE 301).**

**01. Explanation to Applicant.** If the utility intends to deny service to an applicant under Rule 302, the utility will notify the applicant verbally or in writing why the utility will deny service. The utility will advise the applicant what action(s) the applicant will take to receive service, and that if there is a dispute, the applicant may file an informal or formal complaint with the Commission. ( )

**02. Written Notice.** If service is currently being provided to the premises occupied by an applicant, the utility will provide written notice of its refusal to serve pursuant to Rule 312. ( )

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

**01. Reasons for Denial or Termination of Service.** 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: ( )

**a.** With respect to undisputed past due bills the customer or applicant: ( )

**i.** Failed to pay; ( )

**ii.** Paid with a dishonored check; or ( )

**iii.** Made an electronic payment drawn on an account with insufficient funds. ( )

**b.** The customer or applicant failed to make a security deposit or an installment payment on a deposit where it is required. ( )

- c. The customer or applicant failed to abide by the terms of a payment arrangement. ( )
- d. The utility has determined that information provided by the customer or applicant is materially false or materially misrepresents the customer's or applicant's true status. ( )
- e. The customer or applicant denied or willfully prevented the utility's access to the meter. ( )
- f. The utility determines that the customer is willfully wasting or interfering with service to the customer or other customers through improper equipment or otherwise. ( )
- g. The applicant or customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code. ( )

**02. No Obligation to Connect Service.** Nothing in this rule requires the utility to connect service for a customer or applicant 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. ( )

**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: ( )

**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. ( )

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

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

**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. ( )

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

**01. Initial Notice.** If the utility intends to terminate service to a customer under Rule 302, the utility will 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 will contain the information required by Rule 305. ( )

**02. Final Notice.** The utility may mail a final written notice to the customer at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination. Regardless of whether the utility elects to mail a written notice, at least twenty-four (24) hours before the proposed date of termination, the utility must 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 final notice will contain the same information required by Rule 305. ( )

**03. Additional Notice.** If service is not terminated within twenty-one (21) calendar days after the proposed termination date as specified in a written notice the utility will again provide notice under Subsections 304.01 and 304.02 if it still intends to terminate service. ( )

**04. Failure to Pay.** No additional notice of termination is required if, upon receipt of a termination notice, the customer: ( )



- a. Makes a payment arrangement and subsequently fails to keep that arrangement; ( )
- b. Tenders payment with a dishonored check; or ( )
- c. Makes an electronic payment drawn on an account with insufficient funds. ( )

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

**01. Contents of Notice.** The written or oral notice of intent to terminate service required by Rule 304 will state: ( )

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

b. Actions the customer may take to avoid termination of service; ( )

c. That a certificate notifying the utility of a serious illness or medical emergency in the household may delay termination as prescribed by Rule 308; ( )

d. 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 will be given to the customer); and ( )

e. That the utility is willing to make payment arrangements (this statement will be in bold print on written notices). ( )

f. That for purposes of termination, partial payments will be applied toward utility service charges first, unless the customer requests otherwise, and that charges for non-utility services cannot be used as a basis for termination. ( )

**02. Additional Requirements for Gas and Electric Utilities.** During the months of November, December, January and February, oral and written notices provided by gas and electric utilities to residential customers will include or be accompanied by an explanation of restrictions on termination of service and the availability of the Winter Payment Plan described in Rule 306. ( )

**306. TERMINATION OF RESIDENTIAL GAS AND ELECTRIC SERVICE -- WINTER PAYMENT PLAN (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 at the primary household and whose primary household includes children, elderly or infirm persons. ( )

**02. Definitions for This Rule.** For purposes of this rule: ( )

a. "Children" means persons eighteen (18) years of age or younger, but customers who are emancipated minors are not children under this rule. ( )

b. "Elderly" means persons sixty two (62) years of age or older. ( )

c. "Infirm" means persons whose physical health or safety would be seriously impaired by termination of utility service. ( )

**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 will 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. ( )

**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 will be calculated according to Rule 313.06. ( )

**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 will either pay this balance or negotiate a new payment arrangement: ( )

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

**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. ( )

**06. Successive Participation in Winter Payment Plan.** A residential customer who participates in a Winter Payment Plan one (1) year will be allowed to participate in the succeeding year 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. ( )

**07. Unoccupied Residences -- Failure or Refusal to Apply for Service.** 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. ( )

**08. Customers Who Move.** During the months of December, January and February, a gas or electric utility will continue to provide service to any residential customer who made a declaration as provided for in Subsection 306.01 and subsequently moves to a new residence served by the same utility, regardless of any outstanding balance owed by the customer. If service is not connected at the new residence, service will be connected as soon as possible after the customer requests service at the new residence. ( )

**09. Applicants Previously Served.** During the months of December, January and February, a gas or electric utility will provide service to any residential applicant who made a declaration as provided for in Subsection 306.01 and within thirty (30) days of discontinuing service, subsequently applies for service at a new residence served by the same utility, regardless of any outstanding balance owed by the applicant. If service is not connected at the new residence, service will be connected as soon as possible after the applicant requests service at the new residence. ( )

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

Each gas and electric utility must 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. ( )

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

**01. Medical Certificate -- Postponement of Termination of Service.** A utility will postpone termination of utility 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: ( )

**a.** A statement that 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 that termination of utility service would adversely affect the health of that customer, member of the customer's family, or resident of the household. ( )

**b.** The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer, and ( )

**c.** The name, title, and signature of the person certifying the serious illness or medical emergency. ( )

**02. Restoration of Service.** If service has already been terminated when the medical certificate is received, service will be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer will receive service for thirty (30) calendar days from the utility's receipt of the certificate. ( )

**03. 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. ( )

**04. 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. ( )

**05. Obligation to Pay.** Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. ( )

**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, a final notice of pending termination will be provided to the Commission 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 will be allowed so that action may be taken to protect the interests of the facility's residents. ( )

**310. INSUFFICIENT GROUNDS FOR TERMINATION OR DENIAL OF SERVICE (RULE 310).**

**01. Termination of Service.** Utilities will not terminate service or provide notice of intent to terminate service if the unpaid bill cited as grounds for termination is: ( )

**a.** Less than fifty dollars (\$50) or two (2) months' charges for service, whichever is less. ( )

**b.** 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. ( )

**c.** For the purchase of non-utility goods or services. ( )

**d.** For service provided four (4) or more years ago unless the customer has promised in writing to pay or made a payment on the bill within the last four (4) years. ( )

**e.** The subject of an informal or formal complaint filed with the Commission, except as provided for under Rule 401. ( )

**f.** At issue in a case pending before a court in the state of Idaho unless termination is authorized by court order. ( )

**02. Denial of Service.** A utility will not deny service, or notify an applicant that the utility will deny

the applicant service if any of the criteria listed in Subsection 310.01.b. through 310.01.f. apply to the unpaid bill cited as grounds for denial of service. ( )

**311. TIMES WHEN SERVICE MAY BE TERMINATED -- OPPORTUNITY TO AVOID TERMINATION OF SERVICE (RULE 311).**

**01. When Termination of Service Is Prohibited.** Except as authorized by Rule 303 or this rule, service provided to a customer, applicant, resident or occupant shall not be terminated: ( )

**a.** On any Friday, Saturday, Sunday, legal holidays recognized by the state of Idaho, or on any day immediately preceding any legal holiday; or ( )

**b.** At any time when the utility is not open for business. ( )

**02. Times When Service May Be Terminated.** Service may be terminated: ( )

**a.** At any time when there is a dangerous condition pursuant to Rule 303.01 or the utility is ordered to do so pursuant to Rule 303.02; ( )

**b.** Between the hours of 8 a.m. and 5 p.m., Monday through Thursday, for any reason authorized by Rules 302 and 303; ( )

**c.** Between the hours of 8 a.m. and 5 p.m. on Friday for illegal use of service pursuant to Rule 303.03 or if the premises are unoccupied and service has been abandoned; or ( )

**d.** Between the hours of 5 p.m. and 9 p.m., Monday through Thursday, if the utility is unable to gain access to the meter during normal business hours or for illegal use of service pursuant to Rule 303.03. ( )

**03. Personnel to Authorize Reconnection.** Each utility shall have personnel available who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the utility's satisfaction. Service shall be reconnected as soon as possible, but no later than twenty-four (24) hours after the utility's conditions are satisfied and reconnection is requested. ( )

**04. Opportunity to Prevent Termination of Service During Premise Visit.** If a utility needs to visit a customer's premise to terminate service, the utilities employee may identify himself or herself to the customer or other responsible adult upon the premises and announce the purpose of the employee's visit. The employee may be authorized by the utility to accept full or partial payment and, in such case, the employee will not terminate service. Nothing in this rule prevents a utility from proceeding with termination of service if the customer or other responsible adult is not on the premises. ( )

**05. Notice of Procedure for Reconnecting Service.** During a premise visit the utility employee designated to terminate service may give to the customer or leave in a conspicuous location at the affected service address, a notice showing 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. ( )

**06. Applicant Without Service - Customer Requested Termination.** Nothing in this rule prohibits a utility from terminating service at any time pursuant to a customer's request. ( )

**312. DENIAL OR 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, utilities will not deny or terminate service without providing written notice to the residents or occupants of: ( )

**a.** A building or mobile home court where service is master-metered; ( )

b. A residence where the customer billed for service is not a resident or occupant of the premises being served; or ( )

c. Premises where service is being provided on an interim basis to a resident or occupant following a customer's request to terminate service. ( )

**02. Delivery and Contents of Notice.** The utility must notify the residents or occupants of its intent to deny or terminate service at least two (2) calendar days, excluding weekends and holidays, 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 will state: ( )

a. The date of the notice; ( )

b. The proposed denial or termination date; ( )

c. The reason for denial or termination; ( )

d. What action(s) the resident(s) or occupant(s) must take in order to obtain or retain service in the resident's(s') or occupant's(s') own name(s); and ( )

e. That an informal or formal complaint concerning denial or termination of service may be filed with this Commission. ( )

**313. PAYMENT ARRANGEMENTS (RULE 313).**

**01. Arrangements Allowed.** When a customer cannot pay a bill in full, the utility will 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 will 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. ( )

**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. ( )

**03. Application of Payment.** Unless the customer designates otherwise, payments are to be first applied to the undisputed balance owed by the customer for utility services and associated installation charges, taxes, franchise fees and surcharges. ( )

**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. ( )

**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. ( )

**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 (1) year. No customer agreeing to a reasonable payment arrangement is required to choose this plan. ( )

**07. 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. ( )

**314. -- 399. (RESERVED)**

**COMPLAINT PROCEDURE**  
**Rules 400 through 599**

**400. COMPLAINT TO UTILITY (RULE 400).**

**01. Complaint.** 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 will state the customer's or applicant's name, service address, and the general nature of the complaint. ( )

**02. Investigation by Utility.** The utility will promptly, thoroughly and completely investigate the complaint, 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 will advise the customer or applicant that the customer or applicant may request the Commission to review the utility's proposed disposition of the complaint. ( )

**03. Service Maintained.** The utility will 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. ( )

**401. COMPLAINT TO COMMISSION (RULE 401).**

**01. Informal Complaint.** 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 file an informal complaint with request the Commission. Customers and applicants are encouraged, but not required, to contact the utility before filing an informal complaint. ( )

**02. Termination of Service - Undisputed Bills.** Utility service must not be terminated nor termination threatened by notice or otherwise while the complaint is pending before the Commission. The utility may continue to issue bills and request payment from the customer of any undisputed amounts. ( )

**03. Customer's Rights Protected.** No customer or applicant will be denied the opportunity to file an informal or formal complaint with the Commission. ( )

**402. RECORD OF COMPLAINTS (RULE 402).**

**01. Recordkeeping.** Each utility must keep a written record of complaints made under Rules 400 and 401. These records must be retained for a minimum of one (1) year by the utility. These written records are to be readily available upon request by the concerned customer, the customer's agent possessing written authorization, or the Commission. ( )

**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 400 and 401, and the general subject matter of the complaints. ( )

**403. UTILITY RESPONSE TO INFORMAL COMPLAINTS (RULE 403).**

**01. Response to Commission.** Within ten (10) business days of receiving notification that an informal complaint involving the utility has been filed with the Commission, the utility must respond verbally or in writing to the Commission. A utility 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. ( )

**404. -- 599. (RESERVED)**

**RULES FOR DEPOSIT, DENIAL, AND TERMINATION OF SERVICE  
FOR INDUSTRIAL, LARGE COMMERCIAL, AND IRRIGATION CUSTOMERS  
Rules 600 through 699**

**600. DEFINITIONS (RULE 600).**

As used in Rules 601 through 605. ( )

**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. ( )

**02. Applicant.** “Applicant” means an applicant for industrial, large commercial or irrigation service. ( )

**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. ( )

**04. Deposit.** “Deposit” means any payment held as security for future payment or performance that is reimbursable. ( )

**05. Written Notice.** “Written notice” of the utility’s intent to deny or terminate service may be mailed or otherwise delivered to the applicant, occupant or customer. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to “opt-in” to receiving electronic notification. ( )

**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 Laws, or as directed by the state court. ( )

**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: ( )

**01. Any Reason Listed in Rule 302.01.a. Through 302.01.f.** ( )

**02. Failure to Make Advance Payment or Provide Guarantee.** 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. ( )

**03. Failure to Apply for Service.** The customer or applicant failed to apply for service with the utility. ( )

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

**01. Initial Notice.** If the utility intends to terminate service under Rule 602, the utility will mail the customer written notice of termination at least seven (7) calendar days before the proposed termination date. The written notice of termination will state: ( )

**02. Final Notice.** The utility may mail a final written notice to customers at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination. Regardless of whether the utility elects to mail a written notice, at least twenty-four (24) hours prior to actual termination, the utility will diligently attempt to contact the customer affected, either in person or by telephone, to apprise the customer of the proposed action. This final notice will contain the same information required above for written notice. Each utility will

maintain clear, written records of oral notices, showing dates and the utility employee giving the notices. ( )

**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: ( )

**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. ( )

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

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

**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. ( )

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

A utility will provide written notice to the Commission of its intent to terminate service to an industrial or large commercial customer at least seven (7) days before the scheduled termination date. The Commission may stay termination if it finds that the public interest requires service to be maintained to the customer. ( )

**606. -- 699. (RESERVED)**

**SUMMARY OF CUSTOMER RULES**  
**Rules 700 through 799**

**700. INFORMATION TO CUSTOMERS (RULE 700).**

**01. Required Information.** Each utility will provide the following information to its customers: ( )

**a.** A summary of the terms and conditions under which service is provided, including the conditions under which the utility may request a deposit or deny or terminate service; ( )

**b.** A statement that: ( )

**i.** The utility is willing to make reasonable payment arrangements; ( )

**ii.** The customer may file a complaint with the utility and the Commission and that termination of service is prohibited while a complaint is pending with the Commission or with a court in the state of Idaho; ( )

**iii.** Termination of service may be postponed due to serious illness or medical emergency (residential customers only). ( )

**c.** A clear and concise explanation of rate schedule(s) applicable to the customer's class of service. ( )

**02. Information for Gas and Electric Customers.** Each gas or electric utility also will include an explanation of: ( )

**a.** Restrictions on termination of service and the availability of the Winter Payment Plan described in Rule 306 (residential customers only). ( )

**b.** The Third Party Notification Program described in Rule 307 (residential customers only); and ( )



c. The availability of the Level Pay Plan described in Rule 313. ( )

**03. When and How Information Provided.** Utilities will provide information to customers in writing annually and to new customers upon initiation of service. Information provided upon initiation of service may be separately mailed or included with a paper or electronic billing statement. Annual notices may be made by separate mailing, included with the paper or electronic billing statement or, with the customer's consent, by electronic notice with reference to information contained on the utility's website. ( )

**701. -- 999. (RESERVED)**

## 31.26.01 – MASTER-METERING RULES FOR ELECTRIC UTILITIES

### 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 specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code, with regard to service. ( )

### 001. TITLE AND SCOPE (RULE 1).

The name of this chapter is “Master-Metering Rules for Electric Utilities.” This chapter has the following scope: All electric utilities are required to abide by these rules defining when and under what circumstances their customers may master-meter tenants of the customer. ( )

### 002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. ( )

### 003. ADMINISTRATIVE APPEALS (RULE 3).

There are no administrative appeals under these rules because they are not procedural rules. If an issue should arise calling for a proceeding to apply these rules, that proceeding would be conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. ( )

### 004. (RESERVED)

### 005. DEFINITIONS (RULE 5).

As used in these rules: ( )

**01. Electric Utility.** Electric utility or utility means an “electrical corporation” as defined by statute in Chapter 1, Title 61, Idaho Code, and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes. ( )

**02. Tenant -- Mobile Home Park.** A tenant of a mobile home park is a person defined as a resident and not a transient by the Manufactured Home Residency Act, Section 55-2001 et seq., Idaho Code, and in particular by Section 55-2003(164) and 55-2003(195), Idaho Code. ( )

**03. Tenant -- Multi-Unit Residential or Commercial Building.** A tenant of a multi-unit residential building is a person who is not a transient and who intends to reside in or be a commercial tenant in one (1) of the building’s units for a period not less than one (1) month. ( )

**04. Master-Metering.** Provision of service to multiple tenants through one meter, which measures the aggregate usage of all tenants. Typically, the utility bills the property owner or landlord based on measurement by the master meter. ( )

### 006. -- 099. (RESERVED)

## MASTER-METERING RULES FOR ELECTRIC UTILITIES

### Rules 100 through 199

### 100. MASTER-METERING AND INDIVIDUAL METERING IN MOBILE HOME PARKS (RULE 100).

**01. Master Metering Prohibited.** Master-metering, whether or not in conjunction with sub-metering of electric service by the park operator, is prohibited for any mobile home park connected for service by the utility after July 1, 1980. After that date, tenants (excluding transients) of mobile home parks must be individually metered and billed by the electric utility. ( )

**02. Exception for Sub-Metered Parks.** Any mobile home park connected for service on or before July 1, 1980 whose spaces for non-transient tenants are been fully sub-metered for electricity by the park owners need not be individually metered by the electric utility supplying the park. A mobile home park sub-metered by the park operator must charge each of their tenants the same rate for electric service that a residential customer of the utility serving the park would charge the tenant if the tenant were directly metered and billed by the utility. Upon request, the utility will provide written instruction on how to calculate bills for sub-metered tenants in conformance with the utility’s applicable rate schedule. ( )

**101. MASTER-METERING AND INDIVIDUAL METERING IN MULTI-OCCUPANT RESIDENTIAL BUILDINGS (RULE 101).**

Multi-occupant residential buildings connected for electric service after July 1, 1980, if the dwelling units for nontransient tenants contain an electric space heating, water heating, or air-conditioning (space cooling) unit that is not centrally controlled and for which the dwelling unit's tenants individually control electric usage. In such case, non-transient tenants will be individually metered and billed by the electric utility. ( )

**102. MASTER-METERING AND INDIVIDUAL METERING IN COMMERCIAL BUILDINGS AND SHOPPING CENTERS (RULE 102).**

Commercial buildings and shopping centers connected for electric service after July 1, 1980, may not be master metered if the units for non-transient tenants contain an electric space heating, water heating, or air-conditioning (space cooling) unit that is not centrally controlled and for which the unit's tenants individually control electric usage. Any non-transient tenants in otherwise master-metered buildings will be individually metered and billed by the utility if the tenant's electric load is significantly greater than that of other tenants in the building or shopping center or exceeds the individual metering threshold found in the utility's tariffs. ( )

**103. -- 999. (RESERVED)**

**31.31.01 – GAS SERVICE RULES**

**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 specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-515, and 61-520, Idaho Code, with regard to safety and service. ( )

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is the “Gas Service Rules.” This chapter has the following scope: All gas utilities are required to abide by these rules in their provision of gas service. ( )

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. ( )

**003. ADMINISTRATIVE APPEALS (RULE 3).**

There are no administrative appeals under these rules because they are not procedural rules. If an issue should arise calling for a proceeding to apply these rules, that proceeding would be conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. ( )

**004. (RESERVED)**

**005. DEFINITIONS (RULE 5).**

As used in these rules, gas utility or gas corporation means a “gas corporation” as defined by statute in Chapter 1, Title 61, Idaho Code, and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes. ( )

**006. -- 100. (RESERVED)**

**CONSTRUCTION, OPERATION, AND MAINTENANCE OF FACILITIES FOR  
TRANSMISSION AND DISTRIBUTION OF GAS  
Rules 101 through 200**

**PRELIMINARIES FOR SERVICE  
Rules 101 through 150**

**101. MAPS OF FACILITIES (RULE 101).**

**01. Maps, Plans, and Records.** Gas corporations must maintain maps, plans, and records as prescribed by this rule. The gas corporation will keep in the principal office of each of its division or district a map or maps and information about the distribution system that will enable the local representatives to furnish information about the gas corporation regarding rendering of service to existing and prospective customers of the gas corporation. The maps will show the size, character, and location of each street main, district regulator, street valve and drip, and when practicable, each service connection in the corresponding territory served. In lieu of showing date of installation and service locations on maps, a card record or other suitable means may be used. ( )

**02. Maps of Manufacturing, Mixing, Compressor, and Storage Facilities.** Each gas manufacturing or mixing plant and each compressor station and storage facility shall be provided with an accurate ground plan drawn to a suitable scale, showing the entire layout of the plant or station, the location, size, and character of plant, equipment, major pipelines, connections, valves, and other facilities used for the production and delivery of gas, all properly identified. ( )

**03. Inspection of Facilities.** In determining whether these rules are being complied with, the Commission may inspect facilities and records as necessary, as provided in Section 61-521, Idaho Code. ( )

**102. INSPECTION OF CUSTOMER'S FACILITIES (RULE 102).**

The gas corporation shall inspect the customer’s installation before the connection of a meter to ascertain that the installation conforms to the provisions contained in the National Fuel Gas Code and the Uniform Mechanical Code, as adopted by the Commission. If the installation on the customer’s premises does not meet these requirements, the Company shall refuse to connect the meter and shall advise the customer in writing the reasons for such refusal. See Customer Relations Rule 301, IDAPA 31.21.01.301; see Safety and Accident Reporting Rules 201, IDAPA 31.11.01.201. ( )

103. -- 150. (RESERVED)

**STANDARDS FOR SERVICE**  
**Rules 151 through 200**

**151. STANDARD FOR SERVICE (RULE 151).**

Service to the customer shall assure the customer of adequate pressure, a definite heat content, and accurate measurement of gas. ( )

**152. PERIODIC TESTS OF CUSTOMER METERS (RULE 152).**

**01. Testing of Smaller Capacity Meters.** All meters with capacities up to and including four hundred (400) cubic feet per hour (cfh) that have been in service ten (10) or more years as established by last set date shall be tested within a prescribed sample size as determined in accordance with ANSI/ASQ Z1.4 and Z1.9 2003 (R2018), which are incorporated by reference into these rules, which can be found at <https://webstore.ansi.org/Standards/ASQ/ANSIASQZ1SamplingProcedures>. ( )

**02. Testing of Larger Capacity Meters.** All meters from four hundred one (401) to three thousand (3,000) cfh that have been in service ten (10) years as established by last set date shall be replaced or field tested. ( )

**153. METER PROVING (RULE 153).**

**01. Meter Provers.** Each gas corporation shall own at least one (1) meter prover of a type approved by the Commission and shall maintain such equipment in proper adjustment and so calibrated that the error of indication shall not exceed one-half percent. No meter prover shall be so placed as to subject it to excessive temperature variation and each meter prover shall be equipped with suitable thermometers and other necessary accessories. Additional meter proving station shall be installed when and where found necessary by the Commission. ( )

**02. Testing Apparatus for Large Capacity Meters.** Each gas utility using orifice meters, high pressure meters, proportional meters, or other large capacity meters shall own and maintain testing apparatus of a type approved by the Commission. ( )

**03. Accuracy of Meter Provers and Testers.** The accuracy of all provers and methods of operation may be established from time to time by a representative of the Commission. Any alterations, accidents, or repairs that might affect the accuracy of any meter prover, or the method of operating it, shall be promptly reported in writing to the Commission. ( )

**154. CUSTOMER METER ACCURACY REQUIREMENTS (RULE 154).**

**01. Accuracy of Meters.** A new gas meter installed for the use of any customer shall not be more than two percent (2%) slow and not more than one percent (1%) fast. Every meter removed from service when opened for repairs shall be adjusted to be not more than two percent (2%) slow and not more than one percent (1%) fast before being reset; and if not opened for repairs may be reset without adjustment if found to be not more than two percent (2%) in error fast or slow, when passing as in both instances at the test rates provided for in Rule 155 (Customer Meter Test Loads). ( )

**02. Removal of Defective Meters From Service.** No meter that is mechanically defective shall be placed in service or allowed to remain in service after the defect has been discovered. When any gas meter is not connected in service, the inlet and outlet shall be capped to prevent the drying out of the diagrams. ( )

**155. CUSTOMER METER TEST LOADS (RULE 155).**

**01. Testing of Meters.** All tests to determine the accuracy of registrations of gas service meters shall be made with a suitable meter prover or testing equipment. Unless exempted by order of the Commission, at least two (2) test runs shall be made on each bellows type displacement meter, the results of which shall agree with each other

within one-half of one percent (.5%). ( )

**02. Gas Flows During Testing.** The rate of flow to be used in testing meters having capacities up to and including three thousand (3,000) cubic feet per hour shall be twenty percent (20%) and one hundred percent (100%) of the rated capacity. The one hundred percent (100%) capacity or open run test shall not be taken into consideration in arriving at the accuracy of these meters. Meters having capacities of above three thousand (3,000) cubic feet per hour, except orifice meters, shall be tested both at twenty percent (20%) and one hundred percent (100%) of their capacity. For the purpose of determining the accuracy of these meters, the average of twenty percent (20%) and one hundred percent (100%) tests shall be used. ( )

**156. CUSTOMER METER TEST RECORDS (RULE 156).**

**01. Records of Meter Tests.** Annually each gas utility will make tabulations of the results of all meter accuracy tests required by these rules and keep records of tests of the accuracy of each of its meters, until superseded by a later test, but not less than two (2) years. These records shall give: ( )

- a. Sufficient information to identify the meter; ( )
- b. The reason for the test; ( )
- c. The date of the test and reading of the meter; ( )
- d. The name of the person making the test; and ( )
- e. The accuracy as found and as left, together with enough of the data taken at the time of the test to permit the convenient checking of the methods employed and the calculations. ( )

**157. -- 999. (RESERVED)**

**31.36.01 – POLICIES AND PRESUMPTIONS FOR SMALL WATER 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 specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-501, 61-502, 61-503, 61-507, 61-508, 61-515, 61-520, and 61-523, Idaho Code, with regard to valuation and service. ( )

**001. TITLE AND SCOPE (RULE 1).**

The name of this chapter is “Policies and Presumptions for Small Water Companies.” This chapter has the following scope: All small water companies created or certified after the effective date of these rules (November 1, 1987) are subject to the policies and presumptions of these rules. ( )

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. ( )

**003. ADMINISTRATIVE APPEALS (RULE 3).**

There are no administrative appeals under these rules because they are not procedural rules. If an issue should arise calling for a proceeding to apply these rules, that proceeding would be conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. ( )

**004. (RESERVED)**

**005. DEFINITIONS (RULE 5).**

As used in these rules, water utility, water company, or water corporation means a “water corporation” as defined by statute in Chapter 1, Title 61, Idaho Code, and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes. ( )

**006. -- 100. (RESERVED)**

**101. SMALL WATER COMPANIES DEFINED (RULE 101).**

Small water companies are water corporations as defined by the Public Utilities Law that: ( )

**01. Gross Revenue.** Have or anticipate not more than fifty thousand dollars (\$50,000) annual gross revenues from water operations, or ( )

**02. Customer Base.** Provide service to fewer than three hundred (300) customers or propose initially to provide service to fewer than three hundred (300) customers. ( )

**102. PRESUMPTION OF CONTRIBUTED CAPITAL (RULE 103).**

In issuing certificates for a small water company or in setting rates for a small water company, it will be presumed that the capital investment in plant associated with the system is contributed capital, i.e., that this capital investment will be excluded from rate base. ( )

**103. -- 999. (RESERVED)**

**31.41.01 – 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)**

**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. ( )

**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. ( )

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. ( )

**003. ADMINISTRATIVE APPEALS (RULE 3).**

This rule governs 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 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. ( )

**004. (RESERVED)**

**005. DEFINITIONS (RULE 5).**

The following definitions are used in this title and chapter: ( )

**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 will continue to be a “customer” for the purposes of these rules until such time as service is permanently disconnected. ( )

**02. Local Exchange Company (LEC).** “Local exchange company” (LEC) is a telephone company providing local exchange service to end-users. ( )

**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. ( )

**04. Other Services.** “Other services” mean all services except local exchange and MTS services provided, billed, or collected by a telephone company. ( )

**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. ( )

**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. ( )

**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). ( )

**006. -- 007. (RESERVED)**

**008. EXERCISE OF RIGHTS BY CUSTOMER (RULE 8).**  
Telephone company will not discriminate against or penalize a customer for exercising any right granted by these rules. ( )

**009. INFORMAL COMPLAINTS AND INTERPRETATION OF RULES (RULE 9).**  
Commission staff may informally interpret these rules and tariffs or other filings of telephone companies and investigate complaints made to the Commission. The Commission may issue orders interpreting these rules, telephone company tariffs or similar filings, and resolving formal complaints. ( )

**010. CONFLICT WITH TELEPHONE TARIFFS OR PRICE LISTS (RULE 10).**  
If a telephone company’s tariff or price list denies or restricts customer rights protected by these rules, these rules supersede conflicting tariff or price list provisions. ( )

**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. ( )

**012. -- 099. (RESERVED)**

**RESIDENTIAL AND SMALL BUSINESS DEPOSIT**  
**Rules 100 through 199**

**100. DEPOSIT REQUIREMENTS -- LECS (RULE 100).**

**01. Residential Customers.** Telephone companies providing local exchange service will not 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 will 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: ( )

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

**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: ( )

**i.** Non-payment of any undisputed delinquent bill; ( )

**ii.** Obtaining, diverting or using telephone service without the authorization or knowledge of the telephone company. ( )

**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. ( )

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

**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. ( )

**02. Small Business Customers.** Telephone companies providing local exchange service will not 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: ( )

**a.** Any of the conditions listed in Rule 100.01 of this rule are present. ( )

**b.** The customer has not had previous service with that telephone company. ( )

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

**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. ( )

**101. OTHER DEPOSIT STANDARDS PROHIBITED (RULE 101).**

A local exchange company will 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 will 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. ( )

**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 will immediately provide an explanation to the customer why a deposit is required. The customer will be given an opportunity to rebut these reasons. The notice will also advise the customer that if there is a dispute an informal or formal complaint may be filed with the Commission. ( )

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

A deposit allowed pursuant to Rule 100 as a condition of service by a local exchange company must 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. ( )

**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: ( )

**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 ( )

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

**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. ( )

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

**01. Former Customers.** Upon termination of service the telephone company will credit the deposit (with accrued interest), to the final bill then promptly return any remaining balance to the customer. ( )

**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 will promptly return the deposit (with accrued interest) by crediting the customer's current account or issuing a refund. ( )

**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 will pay interest at the annual rates established in Rule 104 for the entire period over which the deposit was held. ( )

**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. ( )

**106. TRANSFER OF DEPOSIT (RULE 106).**

Deposits will 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 will be transferred to the account for the new location. ( )

**107. RECORDS OF DEPOSITS (RULE 107).**

**01. Receipts.** Each customer paying a deposit will be provided the following information: ( )

**a.** Name of customer and service address for which deposit is held; ( )

**b.** Date of payment; ( )

**c.** Amount of payment; and ( )

**d.** Terms and conditions governing the return of deposits. ( )

**02. Retention of Records.** Each telephone company will 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 will 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 will retain records of unclaimed deposits for a period of seven (7) years as required by Section 14-531, Idaho Code. ( )

**03. Transfer of Records.** Upon the sale or transfer of any telephone company or any of its operating units, the seller will 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. ( )

**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. ( )

**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 will 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. ( )

**109. -- 199. (RESERVED)**

**BILLING**  
**Rules 200 through 299**

**200. FURTHER DEFINITION (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. ( )

**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 will be regularly issued and must contain the following information: ( )

- a.** The date the billing statement is issued; ( )
- b.** The time period covered by the billing statement; ( )
- 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; ( )
- d.** Any amounts transferred from another account; ( )
- e.** Any amounts past due; ( )
- f.** Any payments or credits applied to the customer's account since the last bill; ( )
- g.** The total amount due; ( )
- 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; ( )
- i.** The toll-free telephone number(s) available to customers for answering inquiries and resolving complaints about goods and services billed; ( )
- 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. ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**03. Rebilling Time Period. ( )**

**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 will not exceed the most recent six (6) months before the discovery of the billing problem. ( )

**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 will 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. ( )

**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. ( )

**04. Refunds.** The telephone company will promptly calculate refund amounts overpaid by the customer and issue a credit within two (2) billing cycles. Any remaining credit balance will 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 will advise the customer of the option to have any remaining credit balance exceeding twenty-five dollars (\$25) refunded. ( )

**05. Additional Payments.** The telephone company will promptly prepare a corrected billing for a customer who has been undercharged, indicating the amount owed to the company. An unbilled or undercharged customer will 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. ( )

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

**01. Unauthorized Charges.** No telephone company will 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. ( )

**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. ( )

**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. ( )

**02. Customer's Responsibility.** A telephone company will not hold a customer responsible for paying 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: ( )

- a. The customer expressly accepts responsibility for payment of the other person's bill; or ( )
- b. The customer has a legal obligation to pay the other person's bill. ( )

**03. Customer Notice.** The telephone company will 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. ( )

- 04. Contents of Notice.** The notice must include: ( )
- a. The name of the customer of record who owes the bill; ( )
  - b. The service location and telephone number or account number involved; ( )
  - c. The time over which the bill amount was accumulated; ( )
  - d. The amount owed; ( )

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

**05. Opportunity to Respond.** The telephone company will give the customer at least seven (7) calendar days from the date of its proposed action to respond to the telephone company notice. ( )

**206. -- 299. (RESERVED)**

**DENIAL, RESTRICTION, AND TERMINATION OF SERVICE**  
**Rules 300 through 399**

**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 will 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 will be advised that an informal or formal complaint concerning denial of service may be filed with the Commission. ( )

**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: ( )

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

- a. Failed to pay; ( )
- b. Paid with a dishonored check; or ( )
- c. Made an electronic payment drawn on an account with insufficient funds. ( )
- d. The customer failed to make a security deposit, when one is required. ( )
- e. The customer failed to abide by the terms of a payment arrangement. ( )
- f. 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. ( )
- g. The customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code. ( )

**02. No 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. ( )

**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: ( )

**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. ( )

**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. ( )

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

**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. ( )

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

**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 will 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 will contain the information required by Rule 304. ( )

**02. Final Notice.** At least twenty-four (24) hours before actual termination, the telephone company will 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 will contain the same information required by Rule 304. ( )

**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 will again provide notice under Rules 303.01 and 303.02 if it still intends to terminate service. ( )

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

**a.** The customer makes a payment arrangement and subsequently fails to keep that arrangement; ( )

**b.** The customer tenders payment with a dishonored check; or ( )

**c.** Makes an electronic payment drawn on an account with insufficient funds. ( )

**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 will state: ( )

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

**b.** Actions the customer may take to avoid termination; ( )

**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; ( )



**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); ( )

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

**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. ( )

**305. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 305).**

**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: ( )

**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. ( )

**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. ( )

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

**d.** The name, title, and signature of the person certifying the serious illness or medical emergency. ( )

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

**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. ( )

**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. ( )

**05. Obligation to Pay.** Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. ( )

**306. MEDICAL FACILITIES -- SHELTER CARE (RULE 306).**

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 will be provided to the Commission 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 will be allowed so that action may be taken to protect the interests of the facility's residents. ( )

**307. INSUFFICIENT GROUNDS FOR TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 307).**

**01. Termination Prohibited.** Telephone companies will not terminate service or provide notice of intent to terminate service if the unpaid bill cited as grounds for termination is: ( )

**a.** Less than thirty (\$30) dollars; ( )

**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; ( )

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

**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; ( )

**e.** The subject of an informal or formal complaint filed with the Commission; or ( )

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

**308. RESTRICTIONS ON TERMINATION OF LOCAL EXCHANGE SERVICE -- OPPORTUNITY TO AVOID TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 308).**

**01. When Termination Not Allowed.** Unless the customer affected has consented in writing, local exchange service will 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. ( )

**02. Personnel to Authorize Reconnection.** Each telephone company providing local exchange service will 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. ( )

**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, will 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). ( )

**04. No Termination While Complaint Pending.** Except as authorized by order of the Commission or of the Judiciary, local exchange service will 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. ( )

**309. PAYMENT ARRANGEMENTS (RULE 309).**

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**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. ( )

**310. DENIAL, RESTRICTION, MODIFICATION, OR TERMINATION OF LONG-DISTANCE SERVICE OR OTHER SERVICES (RULE 310).**

**01. Compliance.** Telephone companies regulated under Title 61, Idaho Code, providing long-distance or other services must comply with Rules 300, 302, 308.03, 308.04, and 309 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. ( )

**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. ( )

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

**311. CESSATION OF SERVICE IN A SERVICE AREA (RULE 311).**

**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: ( )

**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; ( )

**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. ( )

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

**d.** Demonstrate that the termination will not deprive the public of necessary telephone services; ( )

**e.** Obtain Commission approval before transferring customers to other telecommunications providers. ( )

**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: ( )

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

**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; ( )

**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: ( )

**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. ( )

**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. ( )

**312. -- 399. (RESERVED)**

**COMPLAINT PROCEDURE**  
**Rules 400 through 499**

**400. COMPLAINT TO TELEPHONE COMPANY (RULE 400).**

**01. Compliant.** 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 will state the customer's name, service address, telephone number and the general nature of the complaint. ( )

**02. Investigation by Utility.** The telephone company will promptly, thoroughly and completely investigate the complaint, notify the customer of the results of its investigation and make a good faith attempt to resolve the complaint. The oral or written notification will advise the customer that the customer may request the Commission to review the telephone company's proposed disposition of the complaint. ( )

**03. Service Maintained.** The telephone company will 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. ( )

**401. COMPLAINT TO COMMISSION (RULE 401).**

**01. Informal Complaint.** 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. ( )

**02. Termination of Service - Undisputed Bills.** Telephone service will not be terminated nor shall termination be threatened by notice or otherwise while the complaint is pending before the Commission. The telephone company may continue to issue bills and request payment from the customer of any undisputed amounts. ( )

**03. Rights Protected.** No customer will be denied the opportunity to file an informal or formal complaint with the Commission. ( )

**402. RECORD OF COMPLAINTS (RULE 402).**

**01. Recordkeeping.** Each telephone company must keep a record of written complaints pursuant to Rules 400 and 401. These records must be retained for a minimum of one year by 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. ( )

**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. ( )

**403. TELEPHONE COMPANY RESPONSE TO INFORMAL COMPLAINTS (RULE 403).**

Within ten (10) business days of receiving notification that an informal complaint involving the telephone company has been filed with the Commission, telephone companies must respond either 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. ( )

**404. -- 499. (RESERVED)**

**QUALITY OF SERVICE**  
**Rules 500 through 599**

**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: ( )

- a. Broken, damaged or deteriorated equipment must be promptly repaired or replaced; and ( )
- b. Transmission problems (including induction, cross-talk, or other poor transmission on any line) must be promptly corrected when located or identified. ( )

**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. ( )

**501. RESPONSE TO SERVICE OUTAGE (RULE 501).**

**01. Receipt and Recording of Reports.** Each telephone company providing local exchange service will 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 will maintain an accurate record of trouble reports made by its customers. This record will 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 will be available to the Commission or its authorized representatives upon request at any time within two (2) years of the date of the record. ( )

**02. Repair Commitments.** Commitments to customers for repair service will be set in accordance with Rule 502. Each telephone company will make every reasonable attempt to fulfill repair commitments to customers. Customers shall be timely notified of unavoidable changes. ( )

**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 will restore service within forty-eight (48) hours after the report of the outage, except: ( )

**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 ( )

**b.** For outages reported on Friday, Saturday or Sunday, the company must restore service no later than the following Tuesday by 6 p.m. ( )

**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 required to use 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 meet the restoration timelines of Rule 502.01. ( )

**03. Compliance Standard.** Each month at least eighty percent (80%) of out-of-service trouble reports shall be cleared in accordance with Rules 502.01 and 502.02. ( )

**503. PAYTELEPHONE EMERGENCY ACCESS REQUIRED (RULE 503).**

**01. Access to Emergency Services.** All telephones connected to an OSP are required: ( )

**a.** To provide direct access to a local exchange company operator for access to emergency services by dialing "0" (except for OSP customers like hotels, motels, hospitals, dormitories, etc., that direct "0" calls to a person on the OSP customer's premises), and ( )

**b.** Where available, to provide direct access to emergency service providers by dialing "911", unless exempted by the Commission pursuant to Rule 102.02 of this rule. Unless exempted, access to the OSP network (other than the local exchange company's) may be made through any other access number or keypad symbol. Exempted providers are required to maintain current lists of local emergency numbers. ( )

**c.** Provide or pass through the information required by Enhanced 911 service providers, including but not limited to, signaling system seven ("SS7") and automatic number identification ("ANI"). ( )

**02. Emergency Dialing Instructions.** All pay telephones owned or controlled by the OSP customer must be posted with emergency dialing instructions. ( )

**03. Termination of Service for Violation of This Rule.** Consistent with this Commission's rules on termination of service (Telephone Customer Relations Rules 300-314, IDAPA 31.41.01.300 through 31.41.01.314 and Rule 213 of these rules), the LEC must terminate service to customers of record known to be in violation of Rule 102.01 that have not been granted an exemption under Rule 102.02. The Commission or its Staff shall notify the LEC in writing of customers it knows to be in violation and whose service should be terminated. ( )

**504. PAYTELEPHONE APPROVED INSTRUMENTS -- OPERATION OF INSTRUMENTS (RULE 504).**

**01. Registered or Exempt Instruments.** All PSPs connecting pay telephones to the network must connect pay telephone instruments that: ( )

**a.** Are registered under 47 CFR Part 68 of the Federal Communications Commission (FCC) Rules and Regulations (October 1, 2000) and comply with all Americans with Disabilities Act (ADA) requirements listed in the Code of Federal Regulations at 28 CFR Part 36 (July 1, 2000) and the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities ("ADAAG") (July 1, 2000). ( )

**b.** If not registered, are connected behind a protective coupler registered under Part 68 of the FCC Rules and Regulations; or ( )

**c.** Are exempted from registration by the FCC. See Title 47, Part 68.1 through 68.318 (October 1, 2000). ( )

**02. Instruments for the Hearing Impaired.** All owners of PSPs connecting pay telephones to the network must connect pay telephones that comply with the requirements of the Telecommunications for the Disabled Act of 1982 (January 3, 1983) and 47 CFR. Parts 68.112 and 68.316 (October 1, 2000) (which address access to the handicapped and hearing aid compatibility). ( )

**505. PAYTELEPHONE EMERGENCY NUMBERS (RULE 505).**  
Pay telephones must allow coin-free operator and emergency 911 access in any exchange in which 911 service is available. Where 911 service is not available, instructions for completing coin-free emergency calls must be posted on the pay telephone instrument as required in Rule 207. ( )

**506. CONNECTION OF PAY TELEPHONES (RULE 506).**  
Pay telephones shall be connected only to public access lines (PAL). Every LEC must offer a PAL tariff or price list. There must be one (1) PAL for each pay telephone instrument. ( )

**507. -- 599. (RESERVED)**

**MISCELLANEOUS PROVISIONS**  
**Rules 600 through 699**

**600. INFORMATION TO CUSTOMERS (RULE 600).**

**01. Required Information.** Each telephone company providing local exchange service will make the following information available to its customers: ( )

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

**b.** A clear and concise explanation of: ( )

**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; ( )

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

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

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

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. ( )

**02. When and How Information Provided.** Information will 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. ( )

**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 will provide access to those services to all its customers. ( )

**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 will notify the customer what records were requested and of the company's response to the request. In no case will the reasonable period of time under this rule exceed two (2) business days after deciding to abide by that request. ( )

**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. ( )

**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. ( )

**604. PUBLIC NOTICE (RULE 604).**

Telephone companies will 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. ( )

**605. TELEPHONE SOLICITATIONS (RULE 605).**

Each telephone company providing local exchange service will 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: ( )



**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: ( )

**a.** The name of the telephone corporation and the business name of the telephone corporation if it does business under an assumed business name; ( )

**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; ( )

**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; ( )

**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; ( )

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

**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. ( )

**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. ( )

**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: ( )

**a.** Contain a title page identifying the telephone corporation; ( )

**b.** Show on each page the name of the company, the date of issuance and an effective date for their rates; ( )

**c.** Contain a table of contents; ( )

**d.** Number pages and paragraphs describing the services; ( )

**e.** Show when pages or services have been cancelled or revised; and ( )

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. ( )

**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. ( )

**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. ( )

**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. ( )

**609. -- 699. (RESERVED)**

**SLAMMING PROVISIONS**  
**Rules 700 through 799**

**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. ( )

**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). ( )

**702. STATE PROCEDURES (RULE 702).**

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

**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 to [secretary@puc.idaho.gov](mailto:secretary@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: ( )

- a. Name, address and telephone number of complainant; ( )
- b. Name/identity of the alleged slamming carrier; ( )
- c. Name of the previous authorized carrier; ( )
- d. Name of the billing entity; ( )

- e. Date the alleged slamming occurred; ( )
- f. Whether the customer has been restored to the preferred carrier; ( )
- g. Whether the customer has paid any or all of the disputed charges; ( )
- h. Efforts in attempting to resolve the alleged slamming; and ( )
- i. Whether the customer was charged for changing carrier(s). ( )

**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. ( )

**703. -- 999. (RESERVED)**

## 31.46.01 – UNIVERSAL SERVICE FUND RULES

### 000. LEGAL AUTHORITY (RULE 0).

These rules are adopted under the general legal authority of the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code, and the specific authority of Section 62-610, Idaho Code. ( )

### 001. TITLE AND SCOPE (RULE 1).

The title of these rules is “Universal Service Fund Rules.” Their scope is that they apply to all telephone corporations’ collection of and payment of monies to fund the Universal Service Fund, to all disbursements from the Universal Service Fund, to all actions by the Universal Service Fund Administrator, and to any other matter that may involve the Universal Service Fund. ( )

### 002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. ( )

### 003. ADMINISTRATIVE APPEALS (RULE 3).

Any telephone corporation aggrieved by any decision of the Universal Service Fund Administrator or the Commission Staff under these rules may petition the Commission to review the decision of the Administrator or the Commission Staff by filing a formal petition according to the Commission’s Rules of Procedure, IDAPA 31.01.01.000, et seq. ( )

### 004. (RESERVED)

### 005. DEFINITIONS (RULE 5).

**01. Basic Local Exchange Service.** “Basic local exchange service” means the provision of access lines to residential and small business customers with the associated transmission of two-way interactive switched voice communication within a local exchange area. See Section 62-603(1), Idaho Code. ( )

**02. Basic Local Exchange Rate.** “Basic local exchange rate” means the monthly charge imposed by a telephone corporation for basic local exchange service, but does not include any charges resulting from action by a federal agency or taxes or surcharges imposed by a governmental body that are separately itemized and billed by a telephone corporation to its customers. See Section 62-603(2), Idaho Code. ( )

**03. Business Telephone Service.** “Business telephone service” means telecommunication service that is not residential telephone service. ( )

**04. Local Exchange Company (LEC).** “Local exchange company” (LEC) is a telephone corporation providing local exchange service to customers in Idaho. ( )

**05. Local Exchange Service.** “Local exchange service” means the provision of local exchange access lines to residential or business customers with the associated transmission of two-way interactive switched voice-grade transmission within a local exchange area. ( )

**06. Message Telecommunication Service (MTS).** “Message telecommunication service (MTS)” means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis, not including wide area telecommunications service (WATS), or its equivalent, or individually negotiated contracts for telecommunication services. See Section 62-603(6), Idaho Code. ( )

**07. MTS/WATS Company.** “MTS/WATS company” means a telephone corporation providing Idaho intrastate MTS or WATS services within the definition of Section 62-603(6), Idaho Code. ( )

**08. Residential Customer.** “Residential customer” means a person to whom telecommunication services are furnished at a dwelling and which are used for personal or domestic purposes and not for business, professional or institutional purposes. See Section 62-603(a), Idaho Code. ( )

**09. Residential Telephone Service.** “Residential telephone service” means telecommunication service furnished and maintained at a dwelling primarily for personal or domestic purposes and not for business, professional or institutional purposes, i.e., service provided to a residential customer as defined in Section 62-603(7), Idaho Code. ( )

**10. Residual Revenue Requirement.** “Residual revenue requirement means a local exchange company’s revenue requirement as determined by the Commission less revenue generated by all intrastate telecommunication services, including local exchange services priced at one hundred twenty-five percent (125%) or more of the weighted statewide average and MTS/WATS access services priced at one hundred percent (100%) or more of the statewide average, less contributions from the federal universal service fund. See Section 62-610(4), Idaho Code. ( )

**11. Small Business Customer.** “Small business customer” means a business entity, whether an individual, partnership, corporation or any other business form, to whom telecommunication services are furnished for occupational, professional or institutional purposes, and whose business entity does not subscribe to more than five (5) access lines within a building. See Section 62-603(a), Idaho Code. ( )

**12. Telecommunication Service.** “Telecommunication Service” means the transmission of two-way interactive switched signs, signals, writing, images, sounds, messages, data, or other information of any nature by wire, radio, light waves, or other electromagnetic means (which includes message telecommunication service and access service), which originate and terminate in Idaho, and are offered to or for the public, or some portion thereof, for compensation. “Telecommunication Service” does not include the one-way transmission to subscribers of: ( )

**a.** Video programming; or ( )

**b.** Other programming service, and subscriber interaction, if any, which is required for the selection of such a video programming or other programming service, surveying, or the provision of radio paging, mobile radio telecommunication services, answering services (including computerized or otherwise automated answering or voice message services), and such services shall not be subject to the provisions of Title 61, Idaho Code, or Title 62, Idaho Code. See Section 62-603(9), Idaho Code. ( )

**13. Telephone Corporation.** “Telephone corporation” means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, providing telecommunication services for compensation within Idaho. Telephone corporations providing radio paging, mobile radio telecommunications services, answering services (including computerized or otherwise automated answering or voice message services), or one-way transmission to subscribers of: ( )

**a.** Video programming; or ( )

**b.** Other programming service, and subscriber interaction, if any, which is required for the selection of such a video programming or other programming service or surveying are exempt from any requirement of Title 62 or Title 61, Idaho Code, in the provision of such services. See Section 62-603(10), Idaho Code. ( )

**14. WATS.** “WATS” means wide-area telecommunications service. ( )

**006. -- 100. (RESERVED)**

**GENERAL PROVISIONS**  
**Rules 101 through 200**

**101. ESTABLISHMENT AND PURPOSES (RULE 101).**

Section 62-610, Idaho Code, directs the Commission to establish a universal service fund (USF) for the purposes of maintaining universal availability of local exchange service at reasonable rates and to promote the availability of message telecommunication service (MTS) at reasonably comparable prices throughout the state of Idaho. The USF is established pursuant to this statute. Rules or orders issued by the Commission concerning administration of the USF supersede previous rules, orders or provisions of the contract between the Commission and the Universal Service Fund administrator. ( )

**102. ADMINISTRATOR OF THE USF (RULE 102).**

The Commission shall contract with an administrator of the universal service fund. The administrator of the USF shall receive all monies surcharged by telephone corporations for payment into the USF, account for those monies

pending their disbursement, disburse those monies to qualifying recipients according to the terms of the administrator's contract and the Commission's rules and orders, and comply with the other requirements of these rules or orders. The administrator shall have the authority to hire an attorney approved by the Commission to pursue enforcement action, including initiating civil proceedings, against telephone corporations that violate the USF rules. The Commission has a right to audit the books and records of the administrator of the USF. ( )

**103. STATEWIDE END-USER SURCHARGES (RULE 103).**

**01. Imposition of Surcharges.** Pursuant to 62-610(2), Idaho Code, the USF is funded by the imposition of statewide end-user surcharges on local exchange, MTS and wide-area telephone service (WATS) services in amounts to be determined by the Commission pursuant to Rule 104. ( )

**02. Local Exchange Surcharges.** The local exchange surcharges are imposed monthly as cents-per-line charges uniform throughout the state with the business-residential differential for the surcharges equal to the statewide average business-residential price ratio. ( )

**03. MTS/WATS Surcharges.** The MTS and WATS surcharges are imposed monthly on a uniform basis by: ( )

**a.** A uniform cents-per-minute surcharge applied to the monthly MTS and WATS bill of each end-user for all MTS/WATS companies using this option; or, alternatively, ( )

**b.** A company-specific percentage surcharge applied to the monthly MTS and WATS bill of each end-user. ( )

**04. Remittance of Surcharges.** Surcharges of a given level are authorized by order of the Commission and continue in effect until modified by subsequent order of the Commission. Surcharges on Title 62 services may be explicitly added to customers' bills in addition to charges that would otherwise be collected or may be implicitly included in customers' bills (and remitted by the telephone corporation) without increasing customers' bills. Unless otherwise provided by order of the Commission or letter from the Commission Staff or from the USF administrator issued pursuant to Rules 401 or 402, surcharges imposed by these rules are to be remitted monthly to the administrator pursuant to Rule 201. ( )

**104. THE COMMISSION'S DETERMINATION OF FUNDING LEVELS (RULE 104).**

**01. Issuance of Commission Order.** On or before September 1 of each year the Commission shall issue an order in response to the administrator's report, which will establish statewide end-user surcharges to be in effect for the twelve (12) months beginning October 1 following issuance of the order. ( )

**02. Findings and Directives of the Order Prescribing Statewide End-User Surcharges.** The order prescribing statewide end-user surcharges for the twelve months beginning October 1 shall contain the following: ( )

**a.** The Commission's finding of the funding target for the USF for the twelve (12) months beginning October 1, based upon the anticipated revenue requirement of the USF for those twelve (12) months (including certain or likely changes in the revenue requirement of the USF from that reported by the administrator) and prudent management of minimum fund balances; ( )

**b.** The Commission's finding of the fair, just, and reasonable contribution to this twelve (12) month funding target that should be made from local exchange and MTS/WATS surcharges; and ( )

**c.** The Commission's finding of the statewide end-user surcharges to be imposed for the twelve (12) months beginning October 1 to reach the funding target. ( )

**03. Calculation of Local Surcharges.** The surcharge imposed by Subsection 104.02.c. of this rule to be remitted by each LEC for residence and business local exchange service shall be calculated in the following manner from the total funds that the Commission finds should be recovered from local exchange surcharges. The

Commission may round the surcharges for local residence and business service to the nearest cent per month. The following is an example of calculation of local service surcharge: ( )

- a. Total dollars to be funded from local service surcharges -- twenty-four thousand dollars (\$24,000)/month. ( )
- b. Total local residence lines (as reported in Rule 302.02) -- four hundred fifty thousand (450,000) ( )
- c. Weighted, state-wide average one-party, single-line flat residence rate (as reported in Rule 302.03) -- ten dollars (\$10)/month ( )
- d. Hypothetical Residence revenues under statutory formula (line b x line c) -- four million five hundred thousand (\$4,500,000)/month ( )
- e. Total local business lines (as reported in Rule 302.02) -- fifty thousand (50,000) ( )
- f. Weighted, statewide average one-party, single-line flat business rate (as reported in Rule 302.03) -- thirty dollars (\$30)/month ( )
- g. Hypothetical business revenues under statutory formula (line e x line f) -- one million five hundred thousand dollars (\$1,500,000)/month (7-1-93) ( )
- h. Total hypothetical revenue (line d + line g) -- six million dollars (\$6,000,000) ( )
- i. Residence relative responsibility (line d / line h) -- .7500 ( )
- j. Residence total responsibility -- eighteen thousand dollars (\$18,000) ( )
- k. Residence surcharge (line j / line b) -- four cents (\$.04)/month ( )
- l. Business relative responsibility (line g / line h) -- .2500 ( )
- m. Business total responsibility (line a x line l) -- six thousand dollars (\$6,000)/month ( )
- n. Business surcharge (line h /line e) -- twelve cents (\$.12)/month ( )

\* These hypothetical revenues from residence and business lines do not correspond to any actual revenues received by telephone corporations. Instead, they represent a calculation of revenues that would result if every residence and business line subscribed to one-party, single-line service at the weighted statewide average rate calculated for those services, which is the statutory formula underlying the calculation of the surcharges.

**04. Calculation of MTS/WATS Surcharges.** The surcharge imposed by Rule Subsection 104.02.c. of this rule to be remitted by each MTS/WATS company for MTS/WATS service shall be calculated in one (1) of two (2) alternative manners: ( )

a. A uniform cents per minute surcharge for all MTS/WATS companies using this option will be calculated by the Commission by dividing the total revenues to be recovered from toll surcharges from all companies by the total actual toll minutes reported for all companies under Rule 204; or, alternatively, ( )

b. A company-specific percentage surcharge will be calculated by the company (and reviewed by the administrator) by multiplying the individual MTS/WATS company's total toll minutes as reported in Rule 204 by the cents-per-minute surcharge calculated in a above, then dividing by the total toll revenues as reported for that company reported in Rule 204. ( )

**105. TELEPHONE CORPORATIONS' AUTHORIZATION TO IMPOSE SURCHARGES (RULE 105).**

**01. Local Exchange Companies.** All local exchange companies are authorized to impose a surcharge for residence and business local exchange service in the amounts set forth in the order issued pursuant to Rule 104.03. The LEC may impose surcharges on the service of any customer subscribing to local service on or after October 1 following issuance of the order and may prorate the surcharge in the same manner as the LEC prorates other flat monthly charges. ( )

**02. MTS/WATS Companies.** All MTS/WATS companies (except those exempted from remitting surcharges to the USF administrator pursuant to Rule 402) are authorized to impose a surcharge on Idaho intrastate MTS/WATS services in the amounts set forth in the order issued pursuant to Rule 104.04. The MTS/WATS surcharge may be imposed in two (2) different manners: ( )

**a.** The MTS/WATS company is authorized to impose beginning October 1 following issuance of the order an MTS/WATS surcharge per toll minute in the amount set forth in the order issued pursuant to the Rule 104.04.a.; or, alternatively, ( )

**b.** The MTS/WATS company is authorized to impose beginning October 1 following issuance of the order an MTS/WATS surcharge on a uniform percentage basis in the manner set forth in the order issued pursuant to Rule 104.04.b. Within fourteen (14) days after the Commission has issued its order pursuant to Rule 104 authorizing surcharges on MTS/WATS service, MTS/WATS companies authorized to impose surcharges under this paragraph must notify the administrator and the Commission in writing which option they choose for the twelve (12) months beginning October 1 following issuance of the order. ( )

**106. APPLICATIONS FOR FUNDS -- ORDERS FOR FUNDING (RULE 106).**

**01. Eligibility.** Pursuant to 62-610, Idaho Code, a telephone corporation that provides local exchange service and access service for MTS/WATS providers may apply for disbursement from the USF if: ( )

**a.** Its average residence and business rates for local exchange service for one-party, single-line services exceed one hundred twenty-five percent (125%) of the weighted statewide average rates for one-party, single-line services for residence and business lines, respectively; and ( )

**b.** Its average rates per minute for MTS/WATS access services exceed one hundred percent (100%) of the weighted statewide average rate for the same or similar MTS/WATS access services. ( )

**02. Continuation of Eligibility.** Each telephone company's average rate for one-party single-line residence and business service and for MTS/WATS access service shall be calculated individually and compared to the threshold rate based on the newly calculated statewide average as calculated annually by the Administrator pursuant to Rule 302. In order to continue receiving USF funding after the first year of eligibility, the rate shall be revised to equal or exceed the threshold rate, if a company's average for one-party single-line residence or business service or its rate for MTS/WATS access service is below the threshold rate and if: ( )

**a.** The difference in the company's current average rate and the statewide average threshold rate is greater than three percent (3%); and ( )

**b.** The difference in the annual revenue associated with the company's current rate and the revenue associated with the statewide average threshold rate is over six thousand dollars (\$6,000). ( )

**03. Form of Application.** An application for initial USF funding or changes in USF funding may be made in a general rate case or as otherwise allowed by the Commission. Applications must quantify the USF funding sought and the proposed rates to be charged for one-party, single-line residence and business services and for MTS/WATS access services, indicating how USF funding will benefit the rates for these services. Applications must comply with the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. ( )

**04. Changes to Funding on Commission's Own Motion.** The Commission on its own motion may by order change a telephone company's funding from the USF: ( )

**a.** In connection with any proceeding affecting the telephone company's residual revenue



requirement; ( )

**b.** In connection with a recalculation of the statewide average rates for one-party, single-line residence and business rates and MTS/WATS access services and those recalculations' effect on the threshold for eligibility for funding; ( )

**c.** In connection with redetermination of the percentage of the residual revenue requirement that should be met by the USF; or ( )

**d.** As otherwise provided by order. No order altering a telephone company's funding from the USF will be issued without notice that USF funding is at issue and appropriate opportunity to be heard in person or in writing. ( )

**05. Order for Disbursement.** If the Commission finds that an applicant is eligible for USF disbursements, it may issue an order directing the USF to meet between seventy-five percent (75%) and one hundred percent (100%) of the telephone corporation's residual revenue requirement as defined in Section 62-610(4), Idaho Code. See Rule 005.10. Disbursements from the USF shall be made monthly in one twelfth (1/12) of the annual disbursements ordered by the Commission. ( )

**107. -- 200. (RESERVED)**

**TELEPHONE CORPORATIONS' OBLIGATIONS**  
**Rules 201 through 300**

**201. TELEPHONE CORPORATIONS' MONTHLY REMITTANCES OF USF SURCHARGES (RULE 201).**

**01. Local Exchange Companies.** Unless otherwise provided by order, letter from the Commission Staff or from the USF administrator issued pursuant to Rule 401, all LECs providing local exchange service in Idaho shall remit the following funds to the administrator on or before the first day of the month: ( )

**a.** The number of local residence lines in service in Idaho on the first day of the preceding month multiplied by the monthly residence surcharge the companies are authorized to impose under Rules 104.03 and 105.01; and ( )

**b.** The number of local business lines in service in Idaho on the first day of the preceding month multiplied by the monthly business surcharge the companies are authorized to impose under Rules 104.03 and 105.01. The LEC's remittance shall be accompanied by a report on a form supplied by the administrator separately stating the number of local residence and business lines in service in Idaho for that LEC on the first day of the preceding month. This amount shall be remitted to the administrator without regard to whether the local exchange company has separately imposed the surcharge authorized by Rules 104.03 and 105.01. ( )

**02. MTS/WATS Companies.** Unless otherwise provided by Order of the Commission or letter from the Commission Staff or from the USF administrator issued pursuant to Rule 402, all MTS/WATS companies offering intrastate MTS or WATS services in Idaho shall remit the following funds to the administrator on or before the first day of the month: ( )

**a.** The number of actual toll minutes billed to customers in Idaho for intrastate MTS/WATS services in the last complete monthly billing cycle billed by the first day of the preceding calendar month multiplied by the surcharge per toll minute that the companies were authorized to impose under Rules 104.04.a and 105.02.a; or, alternatively; ( )

**b.** The percentage surcharge of revenues from all intrastate MTS/WATS services provided in last complete monthly billing cycle billed by the first day of the preceding calendar month that the companies are authorized to impose under Subsections 104.04.b. and 105.02.b. These MTS/WATS companies' remittances under both a and b of this paragraph shall be accompanied by a report on a form supplied by the administrator separately stating the number of toll minutes billed and the revenues associated with the toll minutes and showing the

calculation of the surcharge on those minutes for the period stated in this paragraph. These amounts shall be remitted to the administrator without regard to whether the MTS/WATS company has separately imposed the surcharge authorized by Subsections 104.04 and 105.02. ( )

**03. Failure to Comply.** A telephone corporation failing to comply with this rule is subject to all sanctions provided by Section 62-620, Idaho Code. ( )

**202. TELEPHONE CORPORATIONS' ANNUAL REPORTING TO ADMINISTRATOR (RULE 202).**

**01. Requirement to Report.** Unless otherwise provided by order of the Commission or letter from the Commission Staff or from the USF administrator issued pursuant to Rule 402, on or before May 30 of each year all telephone corporations providing local exchange service or MTS/WATS intrastate service in Idaho shall report to the administrator the information required by these rules. The administrator shall annually supply forms for these reports on or before May 1 to all telephone corporations for which the administrator has records showing that the telephone corporation provides one (1) or more of these services. The administrator's failure to supply forms does not relieve any such telephone corporation of its reporting requirements under these rules and statute. The reports that this rule requires to be filed with the administrator should not be filed with the Commission. ( )

**02. The Administrator's Compliance Report.** The administrator shall report to the Commission on or before June 15 whether all telephone corporations receiving the forms have complied with the reporting requirements of this Rule 202 and Rules 203 and 204, specifically identifying telephone corporations that have failed to report altogether, those that have incompletely reported, those that have reported late, and those that have failed to remit the monthly surcharges required by Rule 201. The report shall include a summary of the actions taken against the telephone corporations not complying with the USF rules. See Rule 303. ( )

**03. Failure to Comply.** A telephone corporation failing to comply with this rule is subject to all sanctions provided. ( )

**203. LOCAL EXCHANGE COMPANIES' (LECS') ANNUAL REPORTS TO THE ADMINISTRATOR (RULE 203).**

**01. Reporting of One-Party, Single-Line Residence and Business Lines and Rates.** The reports prescribed for LECs by this rule and Rule 202 must include the following information concerning the LEC's customer base and rates for each of the LEC's rate groups as of May 1 of that year: ( )

**a.** Rates for one-party, single-line, flat-rate residential service (inclusive of mandatory extended area service (EAS) surcharges) and the number of customers subscribing to the service in each rate group, unless exchanges within the rate group have different rates, in which case exchange-by-exchange reporting is required; ( )

**b.** Rates for one-party, single-line, flat-rate business service (inclusive of mandatory EAS surcharges) and the number of customers subscribing to the service in each rate group, unless exchanges within the rate group have different rates, in which case exchange-by-exchange reporting is required; and ( )

**c.** The company-wide, weighted average rate for residential and business services described in Rules 203.01.a. and 203.01.b. of this paragraph. Rural zone and mileage charges are excluded from the rates reported in this paragraph. ( )

**02. Inventories of Other Local Access Lines.** These reports must also include reporting for each rate group (or exchange if required by Subsection 203.01) the following inventories of customers and public network access lines of other local services as of May 1 of that year: ( )

**a.** Multi-party residence local service; ( )

**b.** Multi-party business local service; ( )

**c.** Semi-public pay telephone service; ( )

- d. Public access line service for customer-owned pay telephones; ( )
- e. Centron, centrex or other central-office based telecommunication systems (including only the public network access lines to this kind of equipment, not the number of station lines behind the equipment); and ( )
- f. Local service trunks for private branch exchanges (PBXs). ( )

**03. MTS/WATS Actual Access Minutes and Revenues.** These reports must also include the following information: ( )

- a. Rates for access minutes associated with the provision of MTS/WATS services in effect on May 1 of that year; ( )
- b. Total minutes and revenues billed for MTS/WATS access services for the preceding calendar year; ( )
- c. Total revenues that would be obtained by billing the access minutes reported in Rule 203.03.b. at the rates reported in Rule 203.03.a.; and ( )
- d. Total revenues from billing and collection services for the preceding calendar year. If different exchanges have different rates, each rate must be reported as a separate line item, indicating the exchanges in which service is offered at each rate and total number of minutes billed to service at each rate. In making this report, telephone companies must include revenues associated with sale of intrastate access under feature groups A, B, C and D. ( )

**04. MTS/WATS Equivalent Access Minutes.** If the LEC provides MTS/WATS services in addition to basic exchange services, these reports must also include a conversion of the LEC's annual billed MTS/WATS minutes into "equivalent access minutes." The method used to convert billed toll minutes into equivalent access minutes must be shown with the number of toll minutes used in the calculation. Actual access minutes reported pursuant to Rule 203.03 of this rule must be separately stated from "equivalent access minutes" reported under this paragraph. The manner in which these data may be filed is shown in Rules 302.03.a. through 302.03.h. ( )

**204. MTS/WATS COMPANIES' ANNUAL REPORTS TO THE ADMINISTRATOR (RULE 204).** The reports prescribed for telephone corporations offering intrastate MTS or WATS services (including those that are also LECs) by this rule and by Rule 202 must include the following information for the calendar year preceding the year in which the report is due: ( )

- 01. Total Intrastate MTS Minutes and Revenues.** ( )
- 02. Total Intrastate WATS Minutes and Revenues.** ( )

**205. -- 300. (RESERVED)**

**THE ADMINISTRATOR'S OBLIGATIONS**  
**Rules 301 through 400**

**301. THE ADMINISTRATOR'S QUARTERLY REPORT TO THE COMMISSION (RULE 301).** On or before the fifteenth day after the close of each quarter, the administrator shall submit a report to the Commission providing the following information: ( )

- 01. List of Companies Receiving Disbursements.** A list of all companies receiving disbursements from the USF during the quarter, the individual disbursements for each company during the quarter, and the total disbursements to companies during the quarter; ( )
- 02. Administrator Fees and Expenses.** The administrator's fees and expenses for the quarter;

( )

**03. List of Companies Remitting Surcharges.** A list of all companies remitting surcharges to the USF during the quarter, indicating which companies remitted LEC surcharges, which companies remitted MTS/WATS surcharges, and which companies remitted both; ( )

**04. Aggregate Amount.** The aggregate amount of LEC surcharges remitted to the USF during the quarter, the aggregate amount of MTS/WATS surcharges remitted to the USF during the quarter, and the total of the two (2); ( )

**05. Interest Earned.** Interest earned during the quarter; and ( )

**06. Fund Balances.** Beginning, ending and monthly fund balances for the quarter, together with any other information that may be necessary to calculate beginning and ending balances for the quarter. ( )

**302. THE ADMINISTRATOR'S CALCULATIONS FROM THE ANNUAL REPORTS (RULE 302).**

**01. Weighted Statewide Average Rates for One-Party, Single-Line Residence and Business Services.** From the annual reports provided by LECs pursuant to Rule 203.01, the administrator shall calculate a weighted, state-wide average, one-party, single-line, flat residence rate and a weighted, state-wide average, one-party, single-line, flat business rate, including EAS surcharges. ( )

**02. Inventory of Local Service Lines.** From the annual reports of LECs provided pursuant to Rule 203.01 and 203.02, the administrator shall calculate the total number of local service lines in Idaho, with subtotals for residence and business service lines and for the categories of lines listed in Rule 203.02. ( )

**03. Statewide Weighted Average Rate for MTS/WATS Access Minute.** From the annual reports of LECs provided pursuant to Rule 203.03 and 203.04, the administrator shall calculate a statewide weighted average rate per MTS/WATS access minute in the manner shown in the following example :

<b>Example Using Three Companies</b>				
<b>a.</b>	Actual annual access minutes (as reported under Rule 203.03.b.)	500	500	1,000
<b>b.</b>	Annual pro forma actual access revenues (as reported under Rule 203.03.c.)	\$50	\$40	\$50
<b>c.</b>	Average pro forma revenue per actual access minute (line b/line a)	\$.10/min	\$.08/min	\$.05/min
<b>d.</b>	Calculated equivalent access minutes from MTS/WATS (as reported under Rule 203.04)	0	1,000	2,000
<b>e.</b>	Assigned average revenue (from line c)	\$.10/min	\$.08/min	\$.05/min
<b>f.</b>	Calculated equivalent access revenue (line d x line e)	\$0	\$80	\$100
<b>g.</b>	Total actual and equivalent access minutes (line a + line d)	500	1,500	3,000
<b>h.</b>	Total pro forma and equivalent access revenues (line b + line f)	\$50	\$120	\$150
<b>i.</b>	Average revenue per total actual and equivalent access minutes (line h /line g)	\$.10/min	\$.08/min	\$.05/min
<b>j.</b>	All companies' total actual and equivalent access minutes (sum of entries on line g)	---	5,000	---
<b>k.</b>	Company's ratio of total state access minutes (line g/line j)	.1000	.3000	.6000
<b>l.</b>	All companies' total actual and equivalent access revenues (sum of entries of line H)	---	\$320	---

( )

**04. Access.** The figures for access minutes and access revenues on lines a, b and d include all access minutes and all access revenues from any access service reported pursuant to Rule 203.03 or 203.04, and all access under any feature group. ( )

**303. THE ADMINISTRATOR'S ANNUAL REPORT TO THE COMMISSION (RULE 303).**

**01. The Administrator's Compliance Report.** The administrator shall report to the Commission on or before June 15 whether all telephone corporations receiving the forms have complied with the reporting requirements of this Rule 303 and Rules 202, 203, and 204, specifically identifying telephone corporations that have failed to report altogether, those that have incompletely reported, those that have reported late, and those that have failed to remit the monthly surcharges required by Rule 201. The report shall include a summary of the actions taken against the telephone corporations not complying with the USF rules. ( )

**02. Report of Existing Conditions.** On or before July 15 of each year the administrator shall submit a report to the Commission providing the following information: ( )

**a.** Calculations of weighted statewide average rates required by Rule 302, providing workpapers showing each telephone corporation's contributions to the totals and averages contained in the administrator's calculation in Rule 302. ( )

**b.** Calculations of the USF's expected revenues under the status quo for the twelve (12) months beginning July 1 made by: ( )

**i.** Multiplying the existing local surcharge for residence service by the statewide total residence lines as of May 1; ( )

**ii.** Multiplying the existing local surcharge for business service by the statewide total business lines as of May 1; ( )

**iii.** Multiplying the total MTS/WATS access minutes for the previous calendar year by the existing MTS/WATS surcharge per access minute; and ( )

**iv.** Summing the three (3) products. ( )

**c.** Calculations of the expected revenue requirement of the USF under the status quo for the twelve (12) months beginning July 1 made by listing and summing the annualized rate of disbursement for every telephone corporation for which the Commission has ordered and authorized disbursements from the USF together with the administrator's annual budget for administration of the USF. ( )

**d.** Calculations of the expected revenue requirement of the USF as described in Rule 303.02.c. assuming that companies revise their rates pursuant to Rule 106.02 to maintain funding eligibility and that their USF funding is adjusted pursuant to Rule 106.04. ( )

**e.** Actual USF balances at the end of the quarters ending in June, September and December of the preceding year and of the quarters ending in March and June of the year of the report (or the estimated USF balance for the quarter ending June 30 if actual balances are not yet available). ( )

**03. Recommendation.** The administrator shall report the USF's expected surplus or deficit for the twelve (12) months beginning July 1 based upon the assumption that the USF surcharges will not be changed. The administrator shall also report whether this surplus or deficit will alter the expected fund balance during the twelve (12) months beginning July 1 following the report significantly enough to recommend that USF surcharges be raised or lowered. If the administrator believes that the USF surcharges should be raised or lowered, the administrator shall recommend a target balance for the USF for the end of the twelve months beginning July 1 following this report and the amount by which USF collections would be increased or decreased beginning October 1 to meet this target. ( )

**04. Review by Commission Staff.** On or before August 15 the Commission Staff shall review the calculations and recommendations of the administrator and call any errors or omissions to the attention of the administrator and the Commission. ( )

**05. Report a Public Record--Workpapers Exempted Trade Secrets.** The report of the administrator showing statewide aggregate totals of local service and MTS/WATS revenues, inventories of services, and other information not identifying any telephone corporation or customer is a public record available for inspection, examination and copying under Section 74-102, Idaho Code. The workpapers accompanying the report showing individual telephone corporations' data for Title 62 services and individual telephone corporation's reports to the administrator showing data for Title 62 services, together with any data for Title 61 services protected from disclosure under applicable trade secret law, are trade secrets exempt from disclosure under Section 74-107(1), Idaho Code. ( )

**304. -- 400. (RESERVED)**

**EXEMPTIONS FROM REPORTING AND REMITTANCES**  
**Rules 401 through 500**

**401. LECS' EXEMPTION FROM REPORTING AND REMITTANCES (RULE 401).**

**01. Criteria for Exemption.** Local exchange companies may be exempted from monthly remittances and monthly reporting to the USF administrator under Rule 201 by order of the Commission or letter from the Commission Staff or from the USF administrator upon the grounds that the LEC provides such a small number of local service lines in Idaho and generates such a small monthly surcharge that neither the practical administration of the USF nor the public interest requires monthly remittances and reporting. ( )

**02. Action on Requests.** The order or letter excusing the LEC from monthly reporting shall specify quarterly, semiannual or annual remittances and reporting instead. The order or letter may be issued upon request of the LEC or upon the initiative of the Commission, the Commission Staff, or the USF administrator without a request from the LEC. No LEC will be excused from making remittances less often than annually nor from annual reporting under Rules 202 and 203. ( )

**03. Requests of Exemptions.** This Commission Staff shall maintain a file of all exemptions under this rule and supply a copy to the Commission Secretary and to the USF administrator. ( )

**04. Petition From Initial Denial by Commission Staff or Administrator.** If a request for a LEC's exemption is denied by the Commission Staff or the Administrator, the LEC may petition the Commission. ( )

**402. MTS/WATS COMPANIES -- RESELLERS' EXEMPTION FROM REPORTING AND REMITTANCES (RULE 402).**

**01. Criterion for Exemption.** MTS/WATS companies may be exempted from monthly remittances and monthly reporting to the USF administrator under Rule 201 by Order of the Commission or letter from the Commission Staff or from the USF administrator upon the grounds that the MTS/WATS company is exclusively a reseller of MTS/WATS services from another MTS/WATS company that is already remitting the surcharge prescribed for MTS/WATS services for all of the reselling MTS/WATS company's MTS/WATS minutes. ( )

**02. Requirements of Request for Exemption.** No exemption will be given under this rule unless the reselling MTS/WATS company has requested an exemption in writing. The request for exemption shall be directed to the Commission Secretary (or if received by the administrator or a member of the Commission Staff forwarded to the Commission Secretary). The request for exemption must state that the MTS/WATS company is seeking a reseller's exemption, must name the reseller's underlying MTS/WATS carrier, must certify that the named underlying carrier carries all of the reseller's traffic in Idaho, and must be accompanied by a letter from the underlying carrier stating that the reselling carrier requesting the exemption is a customer of the underlying carrier, that the underlying carrier is remitting the surcharge to the USF for all minutes sold to the reselling carrier, and that the reseller will notify the

Commission whenever one of its underlying carriers changes. ( )

**03. Action on Requests.** The Commission Staff or the USF administrator may grant a reseller an exemption from monthly remittances of USF surcharges and from monthly reporting of MTS/WATS use if the reseller has shown that another MTS/WATS company is remitting the surcharge for all of the reseller's minutes. The exemption shall require the reseller to report to the Commission Staff whenever it changes its underlying carrier. The exemption ordinarily excuses the reseller from annual reporting under Rules 202 and 203, but does not exempt the reseller from annual recertification upon request of the Commission Staff or the administrator of its continuing status as a reseller. However, the Commission Staff or the administrator may require an exempt reseller to file an annual report upon written notification that the Commission Staff or administrator requires an annual report for that year. ( )

**04. File of Exemptions.** The Commission Staff shall maintain a file of all exemptions under this rule and supply a copy to the Commission Secretary and to the USF administrator. ( )

**05. Petition From Initial Denial by the Commission Staff or Administrator.** If a request for a reseller's exemption is denied by the Commission or the Commission Staff or the Administrator, the company may petition to the Commission. The petition must contain a description of the telephone company's network connections. ( )

**403. -- 999. (RESERVED)**

## 31.46.02 – RULES FOR TELECOMMUNICATIONS RELAY SERVICES (TRS)

### 000. LEGAL AUTHORITY (RULE 0).

These rules are adopted under the general legal authority of Chapter 13, Title 62, Idaho Code, and the specific authority of Section 61-1306, Idaho Code. ( )

### 001. TITLE AND SCOPE (RULE 1).

The name of this chapter is “Rules for Telecommunications Relay Services (TRS).” This chapter has the following scope: It governs provision of telecommunications relay services (TRS) in Idaho. ( )

### 002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. ( )

### 003. ADMINISTRATIVE APPEALS (RULE 3).

Any telephone corporation aggrieved by any decision of the Universal Service Fund Administrator, the Telecommunications Relay System Administrator, or the Commission Staff that affects any of the telephone corporation’s interests under these rules may petition the Commission to review the decision of the Universal Service Fund Administrator, the Telecommunications Relay System Administrator, or the Commission Staff by filing a formal petition according to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. ( )

### 004. (RESERVED)

### 005. DEFINITIONS (RULE 5).

The definitions in Section 61-1302 apply to these rules. In addition, the following terms have the meanings set forth below: ( )

**01. American Sign Language (ASL).** “American sign language” means a visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body. See 47 C.F.R. 64.601(1). ( )

**02. ASCII.** “ASCII” is an acronym for American Standard Code for Information Interexchange, which employs an eight-bit code and can operate at any standard transmission baud rate including 300, 1200, 2400, and higher. ( )

**03. Baudot.** “Baudot” means a seven (7) bit code, only five (5) of which are information bits. Baudot was used by some text telephones to communicate with each other at a forty-five point five (45.5) baud rate. ( )

**04. Communications Assistant (CA).** “Communications assistant (CA)” means a person who transliterates conversation from text to voice and from voice to text between two (2) end users of TRS. CAs are also known by terms such as “TRS operator” or “TDD operator.” ( )

**05. Hearing Carry Over (HCO).** “Hearing carry over (HCO)” means a reduced form of TRS where the person with a speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. ( )

**06. Telecommunications Relay Services (TRS).** “Telecommunications relay services (TRS)” is defined in Section 61-13028, Idaho Code, and includes services that enable two-way communication between an individual who uses a text telephone or other non-voice terminal device and an individual who does not use such a device. TRS supersedes the terms “dual party relay system,” “message relay services,” and “TDD relay.” See Section 61-1302(8), Idaho Code, and 47 C.F.R. 64.601(7). ( )

**07. Text Telephone (TT).** “Text telephone (TT)” means a machine that employs graphic communication in the transmission of coded signals through a wire or radio communications system. TT supersedes the term “TDD” or “telecommunications device for the deaf.” ( )

**08. Universal Service Fund (USF).** “Universal service fund (USF)” means the fund established by the Commission pursuant to Section 62-610, Idaho Code, and this Commission’s rules codified at IDAPA 31.46.01.000, et seq. The USF has an Administrator whose duties are set forth by this Commission’s rules and this Commission’s contract with the Administrator. See IDAPA 31.46.01.102. ( )

**09. Voice Carry Over (VCO).** “Voice carry over (VCO)” means a reduced form of TRS where the



person with the hearing disability is able to speak directly to the other end-user. The CA types responses back to the person with the hearing disability. The CA does not speak on behalf of the TT users. ( )

**006. -- 099. (RESERVED)**

**THE TRS PROGRAM, ADMINISTRATOR, AND PROVIDER**  
**Rules 101 through 200**

**100. REQUIREMENTS OF THE TRS PROGRAM (RULE 100).**

**01. Operational Requirements.** A TRS provider will comply with these operational requirements: ( )

**a.** TRS must be provided twenty-four (24) hours per day, seven (7) days per week, every day of the year. ( )

**b.** The TRS provider shall not refuse calls or limit the length of calls using TRS, except that providers of TRS may decline to complete a call because credit authorization has been denied. ( )

**c.** The TRS provider must be capable of communicating with text telephone users using either the ASCII or Baudot format, at any speed generally in use. ( )

**d.** Except during network failure, the TRS provider shall answer eighty-five percent (85%) of all calls within ten (10) seconds, and no more than thirty (30) seconds shall elapse between receipt of dialing information and the dialing of a requested number. The TRS provider shall include adequate staffing to provide callers with efficient access under projected calling volumes so that the probability of a busy response due to unavailability of communications assistants will be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network. ( )

**e.** The TRS provider shall give TRS users access through the TRS to their chosen inter-exchange carrier and to all other operator services to the same extent that such access is provided to voice users. ( )

**02. Communications Assistants' Handling of Calls.** TRS providers must require that communications assistants (CAs) be sufficiently trained to effectively meet the specialized communication needs of individuals with hearing and speech disabilities and that communications assistants have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. Communications assistants are prohibited from disclosing the content of any relayed conversation regardless of content and from keeping records of the content of any conversation beyond the duration of a call. Communications assistants are prohibited from intentionally altering a relayed conversation and must relay all conversations verbatim unless the relay user specifically requests summarization. Communications assistants must relay all messages promptly and accurately. ( )

**03. Rates.** The users of TRS shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from point of origination to the point of termination. In particular, this means that when a telephone call from one customer to another would not incur long-distance charges if the call were placed directly without use of the TRS system, then there will be no long-distance charge for that call when the TRS system is used, even if the TRS provider is located in a telephone exchange that would ordinarily require a long-distance call to reach the calling or answering party. ( )

**04. Other Standards and Services.** The standards and services required for TRS providers by this rule are minimum standards and services. The request for proposal for TRS services may require additional standards or services, or if the request for proposals does not, the selection of the TRS provider may take into account the ability of the TRS provider to meet standards or provide services in addition to the minimum standards or services required by this rule. ( )

**101. TRS ADMINISTRATOR (RULE 101).**

**01. Appointment and Contract.** The Commission shall appoint and contract with a qualified person to administer the TRS program in accordance with the requirements of state and federal law. The TRS Administrator is not an employee or officer of the state of Idaho, but is instead an independent contractor. The appointment and contract shall be for fixed terms, but the Commission may renew terms of appointment or contract. ( )

**02. Duties and Responsibilities of Administrator.** The Administrator shall: ( )

**a.** Consult with and receive recommendations from a telephone industry technical advisory committee (or its representatives) appointed by the Commission; ( )

**b.** Post a fidelity bond in the amount required by the contract with the Commission; ( )

**c.** Meet timetables necessary to secure certification of the TRS program by the Federal Communications Commission; ( )

**d.** Issue (upon such terms as the Commission finds reasonable) a request for proposals to providers of message relay services requesting responsive proposals to provide such services that may be necessary for the program; ( )

**e.** Evaluate responsive proposals to offer TRS services and recommend one (1) or more proposals to the Commission for its review and approval; ( )

**f.** Enter into a contract with the provider of TRS, which contract and provider have been approved by the Commission; ( )

**g.** Consult with the Idaho State Council for the Deaf and Hard of Hearing and the Idaho State Council on Developmental Disabilities concerning program design and delivery of message relay services to communications-impaired persons within the state of Idaho; and ( )

**h.** Perform other services concerning the program as may be deemed reasonable and necessary by the Commission or required by the Commission in its contract with the TRS Administrator. ( )

**03. Contributions, Gifts and Grants.** The Administrator may receive contributions, gifts and grants on behalf of and in aid of the TRS program. The contributions, gifts and grants shall be deposited in the Idaho Telecommunications Relay Services Fund. ( )

**102. ESTABLISHMENT OF TELEPHONE INDUSTRY ADVISORY COMMITTEE (RULE 102).**

**01. Establishment of Committee.** The Commission hereby establishes a telephone industry advisory committee with which the Administrator shall consult in the assessment of responses to the request for proposal (RFP), and review the services provided. The industry committee shall have three (3) members, who shall be representatives of: ( )

**a.** A large provider of local exchange and intraLATA Message Telecommunications (MTS) services in Idaho; ( )

**b.** An independent telephone company providing local exchange services and a member of the Idaho Telephone Association (the trade group that includes independent telephone companies in Idaho); and ( )

**c.** The Idaho State Council for the Deaf and Hard of Hearing, or the State Council on Developmental Disabilities. ( )

**103. CONSULTATION WITH REPRESENTATIVES OF THE HEARING-IMPAIRED AND THE SPEECH-IMPAIRED (RULE 103).**

The Administrator will consult with representatives of the Idaho State Council for the Deaf and Hard of Hearing and of the Idaho State Council on Developmental Disabilities. ( )

**104. REQUEST FOR PROPOSALS (RFP) -- SELECTION OF TRS PROVIDER (RULE 104).**

**01. Formulation of RFP and Submission to the Commission.** The Administrator, shall formulate and submit a request for proposals (RFP) for the provision of TRS to the Commission. The Commission shall review the RFP and return it to the Administrator, with comments or changes that Commission finds appropriate, and direct the Administrator to issue the RFP. ( )

**02. Requirements of the RFP.** The RFP issued by the Administrator will request all companies responding to the RFP to comply with all requirements of state and federal law. See Rule 101. In addition, the RFP may require those responding to the RFP to meet additional requirements contained in the RFP or ask those responding to list additional standards they could meet or additional services that they could provide above the minimums required by state and federal law. ( )

**03. Timetable for Decision.** The Administrator shall develop a timetable for formulation of the RFP, its review by the Commission, advertisement of the RFP for response, review of proposals submitted in response to the RFP, and final decision selecting a TRS provider that will complete the process of selection of the TRS provider in sufficient time to maintain uninterrupted relay services. ( )

**105. RESOLUTION OF COMPLAINTS (RULE 105).**

The Idaho Public Utilities Commission hereby offers itself as a forum for resolution of customer complaints regarding TRS provided for Idaho intrastate services. Complaints can be filed and handled informally under Rules 401 et seq. of the Telephone Customer Relations Rules, IDAPA 31.41.01.400 et seq., or formally under the Commission's Rules of Practice and Procedure, IDAPA 31.01.01.000 et seq. The Commission commits to process these complaints within the one hundred eighty (180) day timetable set forth in 47 C.F.R. 64.604(c)(5)(i). ( )

**106. -- 199. (RESERVED)**

**TELECOMMUNICATIONS RELAY SERVICES FUND**

**Rules 200 through 299**

**200. TELECOMMUNICATIONS RELAY SERVICES (TRS) FUND -- ESTABLISHMENT AND PURPOSE (RULE 200).**

Section 61-1304, Idaho Code, directs the TRS Administrator to establish a fund (the telecommunications relay services fund, or TRS fund) for the provision of telecommunications relay services. The TRS Administrator will deposit the fund in a depository approved by the Commission and to credit to that fund all monetary contributions, gifts and grants received by the Administrator and all charges billed and collected pursuant to Section 61-1305, Idaho Code, and these rules. No funds derived from monies billed and collected from telephone corporations pursuant to Section 61-1305, Idaho Code, and these rules shall be used to acquire end-user text telephones. All monies deposited in the TRS fund shall be spent for the purpose of defraying the expenses, debts and costs incurred in carrying out the provisions of the TRS program, or for defraying administrative expenses of the Administrator, including necessary expenses for consultants to the Administrator, expenses for travel, supplies and equipment and other expenses of the Administrator necessary for the implementation of the TRS program. All monies credited to the TRS fund may be spent by the Administrator at such times and in such manner as authorized by this Commission's rules, orders or contract with the Administrator. ( )

**201. THE COMMISSION'S DETERMINATION OF FUNDING LEVELS (RULE 201).**

**01. Issuance of Commission Order.** On or before March 1 of each succeeding year, the Commission shall issue an order in response to the Administrator's annual report that will establish funding levels to be in effect for the twelve months beginning April 1 following issuance of the order. The Commission may issue an order revising funding levels at other times in order to preserve the integrity of the fund. ( )

**02. Findings and Directives of the Order Prescribing Funding Levels.** Orders prescribing funding levels issued pursuant to Rule 202.01 shall contain the following: ( )

- a. The Commission's finding of the funding target for the TRS program for the twelve (12) months

beginning April 1 (or other appropriate time, if the order is not issued to be in effect for twelve (12) months beginning April 1), based upon anticipated expenses of operation of the TRS program for those twelve (12) months and prudent management of minimum fund balances; and ( )

**b.** The Commission's findings of the fair, just and reasonable allocations of the twelve (12) month funding target that will come from telephone corporations providing local exchange service and that will come from telephone corporations providing MTS/WATS services, respectively. ( )

**03. Calculation of Funding Levels.** Telephone corporations providing local exchange service in Idaho and telephone corporations providing intrastate Message Telecommunication Services/Wide Area Telecommunications Services (MTS/WATS) services in Idaho must contribute to the TRS fund as follows: ( )

**a.** Each telephone corporation providing local exchange service in Idaho shall file a monthly report, due on or before the first of each month, stating the number of local access lines it has for that month. The data used to determine a local exchange company's number of local access lines shall be the same as that used for monthly reporting to the Administrator of the Universal Service Fund (USF) for the monthly USF report. See USF Rule 201.01, IDAPA 31.46.01.201.01. ( )

**b.** Each telephone corporation providing intrastate MTS/WATS service in Idaho is required to contribute to TRS funding in proportion to the number of its intrastate MTS/WATS billed minutes, provided that those telephone corporations providing intrastate MTS/WATS service in Idaho that use the services of another telephone corporation for the actual transportation of calls and that have been granted exemptions from contributions to the USF by the Commission, the USF Administrator, or the Commission staff are also granted exemptions from contributions to the TRS fund by operation of this rule. The USF Administrator shall provide the TRS Administrator with a list of all telephone corporations exempted from contributing to the USF and all changes to that list whenever they are made. The data determining an MTS/WATS company's number of intrastate MTS/WATS billed minutes for a given monthly report due on or before the first of the month shall be the same provided to the Administrator of the USF for the USF report also due on or before the first of that month. See USF Rule 201.02, IDAPA 31.46.02.201.02. ( )

**202. TELEPHONE CORPORATIONS' MONTHLY REMITTANCES TO THE TRS ADMINISTRATOR (RULE 202).**

Unless otherwise provided by order of the Commission or written exemption of the USF Administrator or the Commission staff, on or before the first day of each month, all local exchange companies providing local exchange service in Idaho shall remit to the TRS Administrator the funds due under the Commission's order issued pursuant to Rule 202. Unless otherwise provided by order of the Commission or written exemption of the USF Administrator or the Commission staff, on or before the first day of each month all MTS/WATS companies providing intrastate MTS/WATS services shall remit to the Administrator the funds due under the Commission's order issued pursuant to Rule 202. ( )

**203. THE ADMINISTRATOR'S QUARTERLY REPORT TO THE COMMISSION (RULE 203).**

On or before the fifteenth day after the close of each quarter, the Administrator shall submit a report to the Commission providing the following information: ( )

**01. Administrator's Disbursements.** The Administrator's disbursements to the TRS provider for the quarter. ( )

**02. Administrator's Fees.** The Administrator's fees for the quarter. ( )

**03. List of All Companies.** A list of all companies remitting monies to the TRS fund during the quarter, indicating which companies have remitted funds for their provision of local exchange service, which companies have remitted funds for their provision of MTS/WATS services, and which companies have remitted both. ( )

**04. Total Amounts Remitted.** The total amounts remitted to the TRS fund by local exchange companies during the quarter, the total amounts remitted by MTS/WATS companies during the quarter, and the sum of the two; ( )

**05. Total Number of Local Calls.** The total number of local calls handled by the TRS provider during the quarter, the total number of intrastate and interstate calls handled by the TRS provider during the quarter (keeping separate totals for each), and the total number of intrastate and interstate MTS/WATS minutes billed by the TRS provider during the quarter (keeping separate totals for each); ( )

**06. Interest, Contributions and Other Income.** Interest earned during the quarter, contributions received during the quarter, and any other income for the quarter; and ( )

**07. Fund Balances for the Quarter.** Beginning, ending and monthly fund balances for the quarter, together with any information that may be necessary to calculate beginning and ending balances for the quarter. ( )

**204. THE ADMINISTRATOR'S ANNUAL REPORT TO THE COMMISSION (RULE 204).**

**01. Report of Existing Financial Conditions.** On or before February 15 of each year, the Administrator shall submit a report to the Commission providing the following information: ( )

**a.** A statement of the TRS fund's income in the previous calendar year from remittances by local exchange companies and from remittances by MTS/WATS companies, and the total, and a statement of all other income (including interest), gifts, contributions, etc., for the calendar year; ( )

**b.** Actual TRS fund balances at the end of the quarters ending in March, June, September and December of the preceding calendar year; and ( )

**c.** The statewide line count for local service lines on January 1 of that year and January 1 of the previous year, and the total number of MTS/WATS minutes reported to the TRS Administrator for the year ending the previous December 31 and the year ending the December 31 before that. ( )

**02. Report on Use of the TRS Program.** The Administrator shall also report, based upon information to be supplied by the TRS provider, upon use of the TRS program in the previous calendar year. The Administrator's contract with the TRS provider shall require appropriate data collection by the TRS provider, including, but not limited to, the number of calls handled by the provider, with breakdown showing whether the calls are local or MTS, intrastate or interstate MTS, total intrastate and interstate MTS minutes, the hours when calls are made (e.g., from 8 a.m. to 5 p.m., from 5 p.m. to 11 p.m., from 11 p.m. to 8 a.m.), days of the week when calls are made, and patterns of increased or decreased usage of the TRS program from month to month for the previous calendar year. The TRS provider shall provide this information by month to the TRS Administrator on dates to be specified by the Administrator. ( )

**03. Recommendation.** The Administrator shall report the TRS fund's expected surplus or deficit for the twelve months beginning April 1 based upon the assumption that the TRS funding levels will not change. The Administrator shall also report whether this surplus or deficit will alter the expected fund balance during the twelve (12) months beginning April 1 following the report significantly enough to recommend that TRS funding levels be increased or decreased. If the Administrator believes that the TRS funding levels should be increased or decreased, the Administrator shall recommend a target balance for the TRS fund for the end of the twelve (12) months beginning April 1 following this report and the amount by which TRS fund remittances should be increased or decreased beginning April 1 to meet this target. ( )

**04. Review by Commission Staff.** On or before March 1 the Commission Staff shall review the Administrator's calculations and recommendations and call any errors or omissions to the attention of the Administrator and the Commission. ( )

**05. Report a Public Record -- Workpapers Exempted Trade Secrets.** The Administrator's report showing statewide totals for local service and MTS/WATS minutes, inventories of service lines, and other information not identifying a telephone corporation or a customer is a public record available for inspection, examination and copying under Section 74-102, Idaho Code. Workpapers accompanying the report (including those produced by the TRS Administrator) showing individual telephone corporation's data for Title 62 services and

individual telephone corporation's reports to the TRS or USF Administrators showing data for their Title 62 services, together with any data for Title 61 services protected from disclosure under applicable Trade Secret Law, are trade secrets exempt from disclosure under Section 74-107(1), Idaho Code. ( )

**205. -- 299. (RESERVED)**

**PARTICIPATION IN THE TRS PROGRAM**  
**Rules 300 through 399**

**300. PARTICIPATION IN PROGRAM (RULE 300).**

All telephone corporations providing local exchange service within the state of Idaho and all telephone corporations providing intrastate MTS within the state of Idaho, including those otherwise exempt from the jurisdiction of the Commission pursuant to Section 61-104, Idaho Code, and those providing local exchange service or MTS/WATS pursuant to the Telecommunications Act of 1988, Sections 62-601 et seq., Idaho Code, are required to participate in the TRS program and to contribute to the TRS fund under these rules, except as provided by Rules 203 and 302. ( )

**301. EXEMPTION FROM TRS PARTICIPATION AND FUNDING (RULE 301).**

The Commission may permit a telephone corporation that provides local exchange service in Idaho or intrastate MTS/WATS service in Idaho to provide TRS to its customers through a TRS provider other than the provider selected by the Commission and may waive the telephone corporation's obligation to participate in the program and to fund the program if the Commission finds, upon application by the telephone corporation, that: ( )

**01. ADA.** The telephone corporation will meet its obligation to its Idaho customers in accordance with the standards set forth in the Americans with Disabilities Act. ( )

**02. TRS Program.** The operation or provision of TRS under the program approved by the Commission will not be substantially impaired if that telephone corporation does not participate in or fund the TRS program. ( )

**302. -- 999. (RESERVED)**

**31.61.01 – RULES FOR THE MEASUREMENT OF STRAY CURRENT OR VOLTAGE  
(THE STRAY VOLTAGE RULES)**

**GENERAL PROVISIONS  
Rules 0 through 11**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are promulgated pursuant to the authority of the Idaho Public Utilities Law, Sections 61-515 and 61-520, Idaho Code, and the Stray Current and Voltage Remediation Act, Section 61-803, Idaho Code. ( )

**001. TITLE AND SCOPE (RULE 1).**

**01. Title.** The title of these rules is the IDAPA 31.61.01, “Rules for the Measurement of Stray Current or Voltage” (Stray Voltage Rules). ( )

**02. Scope.** These rules are applicable to dairy producers, public utilities and all persons or entities involved in any way in the measurement or remediation of stray current or voltage within Idaho. ( )

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. ( )

**003. ADMINISTRATIVE APPEALS (RULE 3).**

There are no provisions for administrative appeals within the Commission under these rules. ( )

**004. INCORPORATION BY REFERENCE – REFERENCE TO SAFETY CODES (RULE 4).**

**01. Safety Codes.** These rules reference two (2) national safety codes. ( )

**a.** The National Electrical Safety Code (NESC) is applicable to public utilities and is adopted by the Commission in IDAPA 31.11.01, “Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission.” ( )

**b.** The National Electrical Code (NEC) is applicable to the installation of wires and facilities used to convey electric current and to apparatus to be operated by such electric current. Adoption of the National Electrical Code is found at Section 54-1001, Idaho Code, and IDAPA 07.01.06, “Rules Governing the Use of National Electrical Code,” Section 011. ( )

**005. -- 009. (RESERVED)**

**010. DEFINITIONS (RULE 10).**

**01. Adequate Remediation.** Means corrective action taken by a utility which results in, and is reasonably likely to sustain, a reduction of stray current or voltage attributable to the utility’s distribution system to a measured level that is fifty percent (50%) or less of the preventive action level. ( )

**02. Ampere.** A unit of measure of current. A milliampere is one-one thousandths (1/1,000) of an ampere. ( )

**03. Commission.** Means the Idaho Public Utilities Commission. ( )

**04. Cow Contact Points.** Means any two (2) points on electrically conductive materials in a dairy which a dairy cow may (in its normal environment on the dairy) unavoidably and simultaneously contact. Electrically conductive material may include the surface(s) that the cow is standing on as one (1) or both cow contact points. ( )

**05. Equipotential Plane (EPP).** Means an area where wire mesh or other conductive elements are embedded in or placed under concrete, bonded to all metal structures and fixed nonelectrical equipment that may become energized, and connected to the electrical grounding system to prevent a difference in voltage from developing within the plane. ( )

- 06. Preventive Action Level (PAL).** Stray current or voltage that, when correctly measured, is either: ( )
- a.** A steady state, root mean square (rms) alternating current (AC) of two (2) milliamperes (mA) or more through a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter, or; ( )
  - b.** Any steady state, rms AC voltage of one (1.0) volt or more across (in parallel with) a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter. ( )
- 07. Primary System.** A term that describes the high voltage utility electrical system including the generation, transmission and distribution systems. It also refers to the high voltage side of a distribution transformer. ( )
- 08. Secondary System.** Means the low-voltage utility electrical system on the secondary side of a distribution transformer. The dairy's on-farm system begins on the dairy's side of the metering points, except for dairies metered on the high voltage side of the transformer(s). In the case of dairies metered on the high voltage side, the on-farm system begins at the transformer's low-voltage lugs. ( )
- 09. Service Provider.** Means any person, company or other legal entity providing stray voltage or current testing, consulting, measurements, analysis services, construction, or hardware. ( )
- 10. Shunt Resistor.** A physical resistor or combination of resistors used to simulate a dairy cow during the measurement of cow contact voltage. As used in these rules, a shunt resistor shall be five hundred (500) ohm plus or minus two percent (+/- 2%). ( )
- 11. Source Resistance.** Means that portion of resistance in the circuit, other than the resistance of the cow, when the cow is completing a circuit between contact points. Body-to-metal contact resistance and hoof-to-earth resistance may represent a portion of the source resistance. ( )
- 12. Steady State.** The value of a current or voltage after an amount of time has passed where all transients have decayed to a negligible value. ( )
- 13. Stray Current or Voltage.** Stray voltage or current is: ( )
- a.** Any steady state, sixty (60) hertz (Hz) (including harmonics thereof) root mean square (rms) alternating current (AC) less than twenty (20) milliamperes (mA) through a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter; or ( )
  - b.** Any steady state, sixty (60) Hz (including harmonics thereof), rms AC voltage of less than ten (10) volts, across (in parallel with) a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter. ( )
  - c.** Stray current and voltage is a normal, inherent and unavoidable result of electricity traveling through grounded electrical systems, including a dairy producer's on-farm system and a utility's distribution system. These systems are required by the National Electrical Code (NEC) and the National Electrical Safety Code (NESC) to be grounded to the earth to ensure safety and reliability. ( )
  - d.** Unless the context otherwise requires, the term "stray voltage" shall mean stray current or stray voltage. ( )
- 14. Tests, Measurements, Procedures and Analysis.** Means any or all of the stray voltage testing, measurement, work and work product defined in these rules. ( )
- 15. Transient.** Transient or transient deviation means a non-steady state increase or spike in voltage or current. For the purpose of identifying and reporting transients in cow contact voltage (V<sub>cc</sub>) or current (I<sub>cc</sub>), a



transient occurs when the recorded maximum Vcc or Icc in a recording interval exceeds two hundred percent (200%) of the steady state Vcc or Icc recorded during the same recording interval. ( )

**16. Utility.** Means a public electric utility as defined in Section 61-332A, Idaho Code. ( )

**011. PURPOSE OF RULES -- CONFORMANCE TO ELECTRICAL CODE (RULE 11).**

These rules standardize the measurement and testing procedures used to measure stray voltage and current. Standardization of testing will provide a consistent basis for determining the presence and level of stray voltage in a dairy and how to determine the source of that stray voltage or current. These rules do not replace existing safety standards embodied in electrical codes. Any conflict between these rules and the National Electrical Code or the National Electrical Safety Code shall be promptly brought to the attention of the Commission. Under these rules, testing is intended to determine: ( )

**01. Presence of Stray Voltage.** The presence and amount of any stray voltage or current within the dairy. ( )

**02. Sources of Stray Voltage.** The source(s) of any stray voltage or current detected. ( )

**03. Contributions to Stray Voltage.** The percent contribution from the utility side and the dairy side of the dairy service entrance to the total stray voltage or current measured on the dairy. ( )

**012. -- 020. (RESERVED)**

**APPLICABILITY AND ADMISSIBILITY**  
**Rules 21 through 30**

**021. UTILITY (RULE 21).**

A utility measuring or testing for stray voltage or current at the request of a dairy producer, as directed by the Commission or on its own initiative, shall conduct such measurements in accordance with these rules. ( )

**022. DAIRY PRODUCER (RULE 22).**

**01. Serving Notice on the Utility.** A dairy producer providing written notice to a utility pursuant to Section 61-804, Idaho Code, shall specify why the dairy producer believes its dairy cows are being affected by electrical energy attributable to the utility. A dairy producer may provide such notice with or without first having conducted tests or measurements of stray voltage. ( )

**02. Cooperation.** When a written notice is filed with the utility, the dairy is obligated to make any contact point(s), service panels, grounding rods or other electrical equipment at the dairy available to the utility for measuring and testing. The utility shall provide reasonable notice and cooperate with the dairy producer to establish an appropriate time to conduct the tests and measurements. The dairy shall cooperate with the utility so that all tests and measurements necessary to identify the existence and magnitude of stray current or voltage, if any, are completed within fourteen (14) days of the utility's receipt of such notice. ( )

**023. SERVICE PROVIDERS (RULE 23).**

Any person performing any stray voltage measurement or test on behalf of a utility or a dairy shall be deemed a service provider and shall follow these rules. ( )

**024. ADMISSIBILITY (RULE 24).**

Only tests and measurements made in compliance with these rules shall be admissible before the Commission or in any civil action. ( )

**025. -- 030. (RESERVED)**

**QUALIFICATIONS OF PERSONS PERFORMING AND ANALYZING**

**RESULTS OF STRAY VOLTAGE TESTS**  
**Rules 31 through 40**

**031. PERFORMANCE OF TESTS AND MEASUREMENTS (RULE 31).**

Measuring and testing for stray voltage under these rules for consideration by the Commission shall be performed by a qualified testing professional. The following persons are presumed to be qualified testing professionals: ( )

**01. Professional Engineer.** A professional engineer, licensed in any state, who has completed no fewer than forty-eight (48) hours of Commission-approved stray voltage training and who has been involved in no fewer than five (5) prior investigations involving the measurement or testing of stray voltage. ( )

**02. Master Electrician.** A master electrician, licensed in any state, who has completed no fewer than forty-eight (48) hours of Commission-approved stray voltage training and who has been involved in no fewer than five (5) prior investigations involving the measurement or testing of stray voltage. ( )

**03. Technician.** A technician who, under the supervision of a person presumed qualified under Subsections 031.01 and 031.02, has completed no fewer than eight (8) hours of Commission-approved stray voltage training and who has been involved in no fewer than five (5) prior investigations involving the measurement or testing of stray voltage. ( )

**032. DATA ANALYSIS (RULE 32).**

Analysis of data under these rules, for consideration by the Commission, shall be performed by a qualified analyst. A professional engineer, licensed in any state, who has completed no fewer than forty-eight (48) hours of stray voltage training and who has been involved in no fewer than five (5) prior investigations involving measurement or testing of stray voltage shall be presumed to be a qualified analyst. ( )

**033. PERSONS OTHERWISE QUALIFIED (RULE 33).**

A person who does not satisfy the qualifications in Sections 031 and 032, may nonetheless be determined by the Commission to be a qualified testing professional or a qualified analyst if, on motion of any party, the Commission finds that person otherwise possesses the knowledge, skill, experience, training, or education that qualifies that person to offer expert testimony before the Commission. ( )

**034. -- 050. (RESERVED)**

**CALIBRATION OF AND EQUIPMENT USED FOR MEASURING  
AND RECORDING VOLTAGE, CURRENT, AND RESISTANCE**

**Rules 51 through 60**

**051. GENERAL REQUIREMENTS FOR STRAY VOLTAGE MEASURING AND RECORDING EQUIPMENT (RULE 51).**

Equipment used for the measurement or testing of stray voltage, current, and resistance shall meet the following criteria: ( )

**01. Resolution and Accuracy.** The accuracy and resolution of any instrument used to measure or record cow contact voltage or current, shall limit the error to five percent (5%) or less at one volt (1 V) or two milliampere (2 mA). ( )

**02. Voltage Measurement.** Instruments used to measure cow contact voltage shall be capable of separating and independently measuring alternating current (AC) and direct current (DC) voltages. These instruments shall have a minimum internal impedance of ten thousand (10,000) ohm and shall be capable of measuring the true-rms voltage. ( )

**03. Current Measurement.** A clamp-on ammeter, a digital multi-meter (DMM) with clamp-on device, or an in-line ammeter shall be used to measure current between two (2) points. The meters shall be capable of separating and independently measuring alternating current (AC) and direct current (DC) and shall be capable of measuring the true-rms current. Care must be taken to assure that clamp-on ammeters used have the required

resolution and accuracy. ( )

**04. Resistance Measurement.** Resistance shall be measured using either a volt ohmmeter (VOM) or a DMM. Resolution shall be to the level of one (1) ohm or less when measuring a resistance of less than one thousand (1,000) ohm. Accuracy shall be within plus or minus five (+/-5) ohm for a five hundred (500) ohm resistance. ( )

**05. Resistance-to-Earth Measurement.** Grounding electrode resistance-to-earth measurements shall be made with a three- (3) point fall-of-potential instrument or a clamp-on resistance-to-earth tester. ( )

**052. CALIBRATION REQUIREMENTS (RULE 52).**

**01. Measuring Equipment Calibration.** All measuring equipment shall be calibrated according to the manufacturer's recommended calibration schedule, but no less than annually, to meet the manufacturer's specifications for the accuracy and resolution of the equipment. Measuring equipment shall not be used after its next "calibration due" date for measurements or tests conducted during a stray voltage investigation. Calibration shall be performed by either: ( )

**a.** The manufacturer of the equipment, who shall certify that the equipment meets the manufacturer's specifications for accuracy and resolution; or ( )

**b.** A laboratory currently certified as meeting all applicable Institute of Electrical and Electronic Engineers (IEEE) and International Organization for Standards (ISO) standards. ( )

**02. Calibration Certificates.** The service provider performing the tests and measurements shall maintain certificates from the manufacturer or the calibration laboratory demonstrating compliance with calibration requirements. ( )

**03. Field Check.** Before voltage or current measurement or testing is performed, the instrument shall be field-checked by comparing measurements to those of other instruments or against a known source. ( )

**053. REQUIREMENTS FOR MONITORING AND RECORDING DEVICES (RULE 53).**

Digital recording devices shall be used for the purpose of recording current and voltage for extended periods, such as the forty-eight (48) hour test. The recording devices shall have the same level of resolution and accuracy as the meters being used for the measurements. Monitoring systems, which combine measuring and recording functions in a single instrument, shall have the same level of resolution and accuracy as specified in Section 051. Recording devices and monitoring systems shall be capable of recording transient deviations of one-tenth (0.1) second or less in duration from the steady state. Digital recording devices, which have deviation settings, shall permit the deviation setting to be set "low" enough to meet the resolution and accuracy requirements in Subsection 051.01 of these rules. All recording devices shall be able to log the time and date of all data recorded and shall have their internal clocks synchronized. ( )

**054. REQUIREMENTS FOR LOAD BOXES (RULE 54).**

The load box shall meet the following criteria: ( )

**01. Volts.** A load box shall be a primarily non-inductive nominal two hundred forty (240) volt, resistance heating type load with a minimum nominal full load of eighteen (18) kilowatts (kW). ( )

**02. Split-Load.** A load box shall be capable of operating at two (2) or more load settings, including approximately fifty percent (50%) and one hundred percent (100%) of the load box's rated total load. ( )

**055. -- 070. (RESERVED)**

**TESTING AND MEASUREMENT PROCEDURES**  
**Rules 71 through 80**

**071. STRAY CURRENT OR VOLTAGE TESTS (RULE 71).**

Subject to Subsection 071.02, there are six (6) tests used to detect and measure stray current or voltage. ( )

**01. Scheduling of Stray Voltage Tests.** Efforts shall be made to perform the tests under conditions substantially similar to those conditions existing at the time(s) the dairy producer believes stray voltage to be a problem. ( )

- a. Test 1 - Cow Contact Test; ( )
- b. Test 2 - Forty-Eight (48) Hour Test; ( )
- c. Test 3 - Primary Profile Test; ( )
- d. Test 4 - Secondary Neutral Voltage Drop Test; ( )
- e. Test 5 - Load Box Test; and ( )
- f. Test 6 - Signature Test. ( )

**02. Testing Sequence.** Test 1 shall be performed first. Tests 1 and 2 are used to determine the presence and level of stray voltage and shall be performed in all investigations, subject to the provisions of Subsection 071.03. Tests 3, 4, 5, and 6 may be performed in any order and may be performed without first determining that these tests are required under Paragraph 071.02.b. Tests 3, 4, 5, and 6 may be performed prior to starting the recording for Test 2 or while Test 2 is in progress. Test 2 may be interrupted as necessary to conduct Tests 4, 5, and 6, or for review and analysis of the data recorded up to that point. ( )

a. If the results from Tests 1 and 2 indicate that stray voltage does not exceed the preventive action level (PAL), the utility has no further testing or remediation obligations under these rules during this test cycle. ( )

b. If the PAL is exceeded, the utility shall perform the remaining four (4) tests except as provided in Subsection 071.03. The utility shall also perform analysis to determine whether the portion of the stray current or voltage attributable to an off-farm source exceeds fifty percent (50%) of the PAL. ( )

c. If the PAL is exceeded, and the portion of the stray current or voltage attributable to an off-farm source does not exceed fifty percent (50%) of the PAL, the utility has no further testing or remediation obligations. ( )

d. If the PAL is exceeded, and the portion of the stray current or voltage attributable to an off-farm source exceeds fifty percent (50%) of the PAL, the utility shall conduct remediation pursuant to Section 091. Under this condition, the forty-eight (48) hour recording of Test 2 may be reduced to no fewer than twenty-four (24) hours. ( )

e. For all testing conducted under these rules, the utility shall have a qualified analyst prepare a report pursuant to Section 082. ( )

**03. Suspended or Limited Testing.** With the written agreement of both the utility and the dairy producer, a stray voltage investigation may be suspended at any point in the investigation. With the written agreement of both the utility and the dairy producer, the utility may employ a limited set of tests or measurements on a dairy as part of an intentionally limited evaluation. If the utility proposes to suspend a stray voltage investigation or to conduct a limited evaluation, its reasons for doing so shall be set forth in the written agreement between the utility and the dairy producer. ( )

**072. PREPARATION FOR TESTING (RULE 72).**  
The person performing the tests shall perform the following: ( )

- 01. Remote Reference Grounding Rod.** ( )

a. Remote reference grounding rod(s) shall be installed and penetrate moist soil to a depth of thirty (30) inches. When practicable, remote reference rods shall be installed at least twenty-five (25) feet away from the nearest underground conductive electrical equipment of any type or at a distance equal to three (3) to four (4) times the buried depth of any metallic structure connected to the service entrance neutral. The reference ground rod shall be located not closer than twenty-five (25) feet from the centerline of a primary electrical conductor right-of-way. A reference rod shall be located not closer than one hundred (100) feet from the edge of a transmission line right-of-way. ( )

b. All remote reference grounding rods shall be checked for “remoteness” prior to their use for tests or measurements and if found to be insufficiently “remote,” a new location for that reference ground rod shall be found and retested for remoteness. Remoteness of the reference ground shall be determined by measuring the voltage from the transformer grounding electrode conductor to the remote reference ground. The resistance-to-earth of the transformer grounding electrode shall be measured. The grounding electrode current shall be measured. Remoteness is considered adequate if the measured voltage (transformer grounding conductor to reference ground,  $V_p$ ) is within twenty percent (20%) of the voltage calculated by multiplying the grounding electrode current by the grounding electrode resistance-to-earth. ( )

c. If the transformer grounding electrode is within twenty-five (25) feet of other primary or secondary grounding electrodes, this remoteness test shall be conducted at the first primary system grounding electrode upstream of the transformer that is greater than twenty-five (25) feet from other primary or secondary system grounding electrodes. ( )

**02. Inspecting the Transformer(s).** Prior to testing, the utility transformer shall be inspected, grounding electrode resistance measured, and any repairs necessary for safety be made and recorded. In the case of a customer-owned transformer, qualified personnel shall inspect the installation, measure grounding electrode resistance, and make and record any repairs necessary for safety. Measurements that require contact with utility or customer-owned primary wires or equipment shall be made by the utility or other qualified personnel. ( )

**03. In-Line Ammeters.** If in-line or series ammeters are used, they shall be installed under safe conditions in accordance with the National Electrical Safety Code and the National Electrical Code with the entire dairy system or the specific circuit to be tested de-energized. ( )

**04. Pre-Test Documentation.** ( )

a. All pre-test calibration requirements from Section 052 shall be completed and documented. ( )

b. A sketch or drawing of the dairy shall be prepared indicating: ( )

i. The location of the buildings; ( )

ii. Secondary electrical service panels and secondary feeder systems serving cow contact areas; ( )

iii. Transformer(s) and central distribution point; ( )

iv. Existing grounding electrodes (if known); ( )

v. The location of all cow contact points to be tested; ( )

vi. All remote reference grounding rods; and ( )

vii. All primary and secondary neutral test points used in conjunction with the remote reference grounding rod(s). ( )

c. A listing of planned test points shall be prepared using the applicable form prior to beginning each test. Each test shall be listed separately and specific reference numbers shall be given to each planned test point. ( )

05. Safety. ( )

a. If the service provider reasonably concludes that a dairy's noncompliance with the National Electrical Code poses a significant and immediate safety hazard which prevents completion of any test or measurement required by these rules, then the service provider's obligations to proceed under these rules shall be suspended until the hazard is eliminated. ( )

b. At the discretion of the service provider conducting the test, livestock shall be removed from any area where electrical equipment or wiring is examined or electrical measurements are taken. Testing may be suspended if the presence of cows or other animals creates a potential hazard to testing personnel. The locations of electric fences and other electrified cow control devices shall be noted and de-energized where practical. ( )

073. TEST 1 -- COW CONTACT TEST (RULE 73).

01. Purpose. The purpose of this test is to determine the location(s), if any, where stray current or voltage exceeds the preventive action level (PAL) and to identify the location(s) at which the cow contact voltage will be recorded in the forty-eight (48) hour test. ( )

02. Selection of Cow Contact Points. The selection of cow contact points to be tested shall include a sufficient number of locations reasonably likely to demonstrate the presence of stray voltage or current, if any. ( )

03. Conducting the Test. The voltage across the shunt resistor or current through the shunt resistor shall be measured between cow contact points as shown in Figure 1. The source resistance shall be calculated during analysis for all cow contact points.

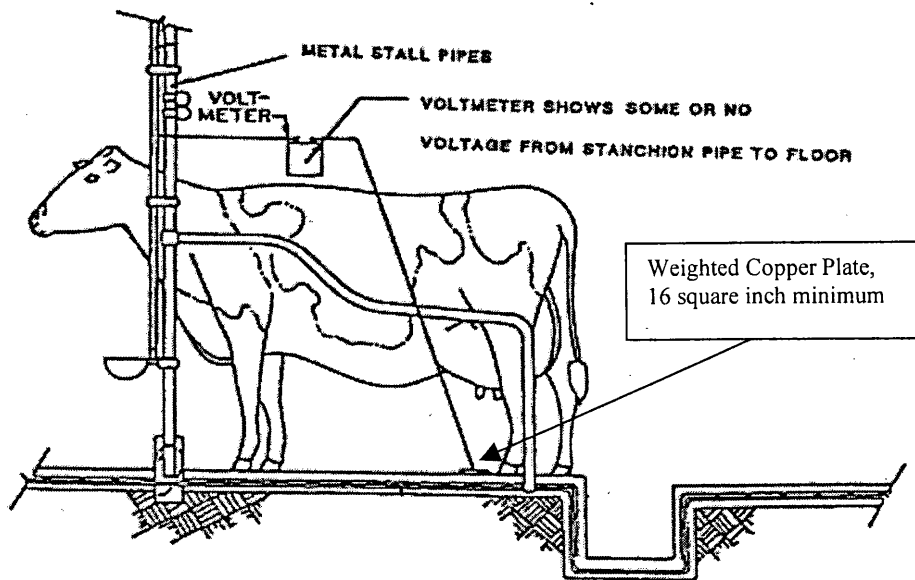


Figure 1, Cow Contact Test. ( )

a. When using a voltmeter to measure voltage between contact points where one (1) of those points is

the floor surface, the equipment shall be arranged as shown in Figures 1 and 2, using a metal plate, which shall make a high quality conductive contact with the ground or floor. If the service provider is unsure of having a high quality conductive contact with the floor or ground, then the procedure described in Paragraph 073.03.c. shall be followed. If necessary, corrosion shall be removed from the point(s) where test lead(s) make contact with metal equipment.

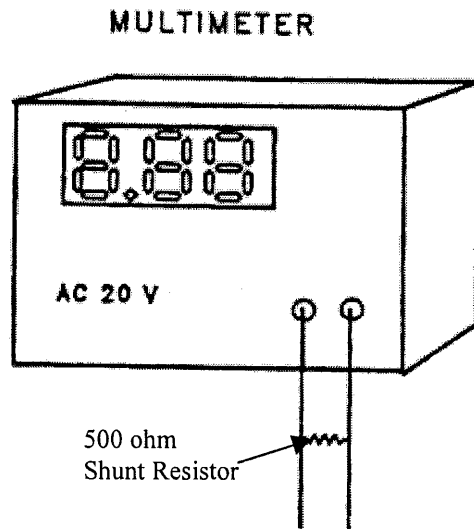


Figure 2, Cow Contact Voltage Measurement.

( )

**b.** When using an in-line milliammeter or a clamp-around milliammeter to measure current between contact points and one (1) of those points is the floor surface or earth, the equipment shall be arranged as shown in Figure 3, using a metal plate which shall make high quality conductive contact with the ground or floor. If the service provider is unsure of having a high quality conductive contact with the floor or ground, then the procedures described in Paragraph 073.03.c. shall be followed. If necessary, corrosion shall be removed from the point(s) where test lead(s) make contact with metal equipment.

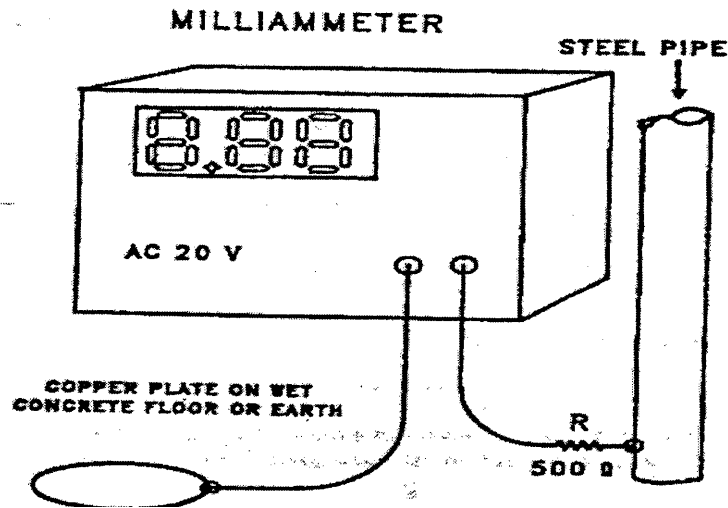


Figure 3, Set Up for Measuring Current Cow Contact Point to Ground ( )

c. A metal plate used to make an electrical contact with the earth or floor shall be of regular shape (square, rectangular or round), and shall have a surface area equal to or greater than sixteen (16) square inches (4 inches x 4 inches or equivalent). Place a weight not less than twenty (20) pounds on the metal plate. This weight shall be applied evenly across the metal plate and not to the adjacent concrete or earth. Place the metal plate a minimum distance of twelve (12) inches from any metal equipment making contact with the floor or earth. ( )

i. Where the metal plate is to be placed on a concrete floor, the surface shall be flat. Clean the floor surface with a wire brush to remove debris that may add excess resistance. Use water to clean the floor surface at the point where the metal plate will be placed. Place a paper towel or similar material soaked in saltwater between the metal plate and the concrete floor. ( )

ii. Where the metal plate is to be placed on the ground or earth surface, the surface shall be flat. Remove any debris and add water to the area, if necessary, to dampen the soil. The surface of the metal plate that will make contact with the earth shall be clean and free of corrosion before use. Remove any corrosion, if necessary. ( )

04. **Recording the Data.** The person conducting this test shall record the location of, and measured values at, each test point. At each cow contact location, an open circuit voltage reading ( $V_{oc}$ ) and a voltage with five hundred (500) ohm nominal shunt resistor placed across the input to the meter ( $V_{shunt}$ ) shall be taken. These readings shall be taken with ten (10) seconds or less time between each reading. Alternatively, a current measurement ( $I_{shunt}$ ) may be taken in place of the voltage reading ( $V_{shunt}$ ). Data for these test points shall be recorded on the form in Appendix 1. ( )

05. **Source Resistance Calculation.** The source resistance ( $R_{source}$ ) shall be calculated for each cow contact location measured and the value recorded in Appendix 1. The following formulas shall be used to calculate source resistance.

$$R_{source} = \frac{V_{oc} - V_{shunt}}{V_{shunt}} \times R_{shunt}$$



$$R_{\text{source}} = \frac{V_{\text{oc}}}{I_{\text{shunt}}} - R_{\text{shunt}} \quad ( \quad )$$

**074. TEST 2 -- FORTY-EIGHT HOUR TEST (RULE 74).**

**01. Purpose.** The purpose of this test is to determine whether stray current or voltage exceeds the preventive action level (PAL) at selected location(s) over a forty-eight (48) hour period, subject to Subsection 074.06 and Paragraph 071.02.d. The test also demonstrates whether the primary or secondary sides of the system have a specific impact on the recorded current or voltage at specific times of day. ( )

**02. Setup.** A digitizing data recorder with averaging capability and capable of detecting and recording transient deviations of one-tenth (0.1) second or less in duration shall be used to record the following: ( )

- a.** Voltage from primary neutral at the transformer to remote reference ground,  $V_p$ . ( )
- b.** Voltage from secondary neutral in the service panel serving the area of the cow contact to remote reference ground,  $V_s$ . ( )
- c.** Voltage drops ( $V_p$ s) from primary neutral at the location of connection for  $V_p$  to secondary neutral at the location of the connection for  $V_s$ . ( )
- d.** Cow contact current through ( $I_{cc}$ ) or voltage across a five hundred (500) ohm resistor at the high voltage point(s) found in Test 1,  $V_{cc}$ . ( )

**03. Measurement Interval.** The results of the forty-eight (48) hour test may be highly indicative of the presence of stray voltage. A recording interval as high as ten (10) seconds may be used provided that transient deviations of voltage or current of one-tenth (0.1) second or less in duration of voltage or current are recorded to the maximum ability of the instrument. ( )

**04. Measurement at the Cow Contact Point(s).** Measurements to the earth or concrete surface shall be to a metal plate as described in Paragraph 073.03.c. When making measurements to metal objects, corrosion shall be removed to obtain a low resistance connection. ( )

**05. Recording the Data.** All of the data gathered by the recording equipment during the forty-eight (48) hour test including transients shall be downloaded and retained with the records of the investigation. In addition, the steady-state data shall be summarized in the investigation report. The recorded data shall be made available to the dairy producer or utility upon request. The person conducting this test shall record the location of, and measured values at, each test point. The identification of the cow contact point shall be recorded on the form in Appendix 2. Transient deviations shall be recorded on the supplemental data form, page 3 of 3 in Appendix 2. A plot of the voltage versus time may be substituted for the recording of measured values in Appendix 2. ( )

**06. Reduced Recording Period.** If a qualified analyst concludes that remediation by the utility is required under Paragraph 071.02.d. prior to the completion of a forty-eight (48) hour recording period, the recording period may be reduced to no fewer than twenty-four (24) hours. ( )

**075. TEST 3 -- PRIMARY PROFILE TEST (RULE 75).**

**01. Purpose.** The purpose of this test is to measure or calculate neutral-to-earth voltage (NEV) for a multi-grounded distribution system. ( )

**02. Conducting the Test.** The primary profile test requires concurrent measurement of the ground electrode resistance and current at all primary system ground points within three quarters (3/4) of a mile on either side of all primary service points serving the dairy, or to the end of the line if less than three quarters (3/4) of a mile. Alternatively, the voltage between a remote grounding rod and the primary ground point being tested may be measured. ( )

a. This test shall be conducted starting at one (1) end of the distribution system and working toward the other end along the main primary distribution system. Figure 4 below illustrates the procedure. ( )

i. Where the dairy is served by a dedicated tap of less than one-half (1/2) mile in length from a distribution line, the neutral-to-earth voltage shall be measured at each primary ground along the tap and along the distribution line to a distance of three-quarters (3/4) of a mile in each direction from the point of the tap; or ( )

ii. Where a dairy is served by a dedicated tap that extends more than one-half (1/2) mile from the distribution line, the neutral-to-earth voltage shall be measured at each primary grounding electrode along the tap and along the distribution line to a distance of one-half (1/2) mile in each direction from the point of the tap. ( )

**03. Recording the Data.** The person conducting this test shall record the location of, and measured values at, each test point. Data and calculation results for these test points shall be recorded on the form in Appendix 3.

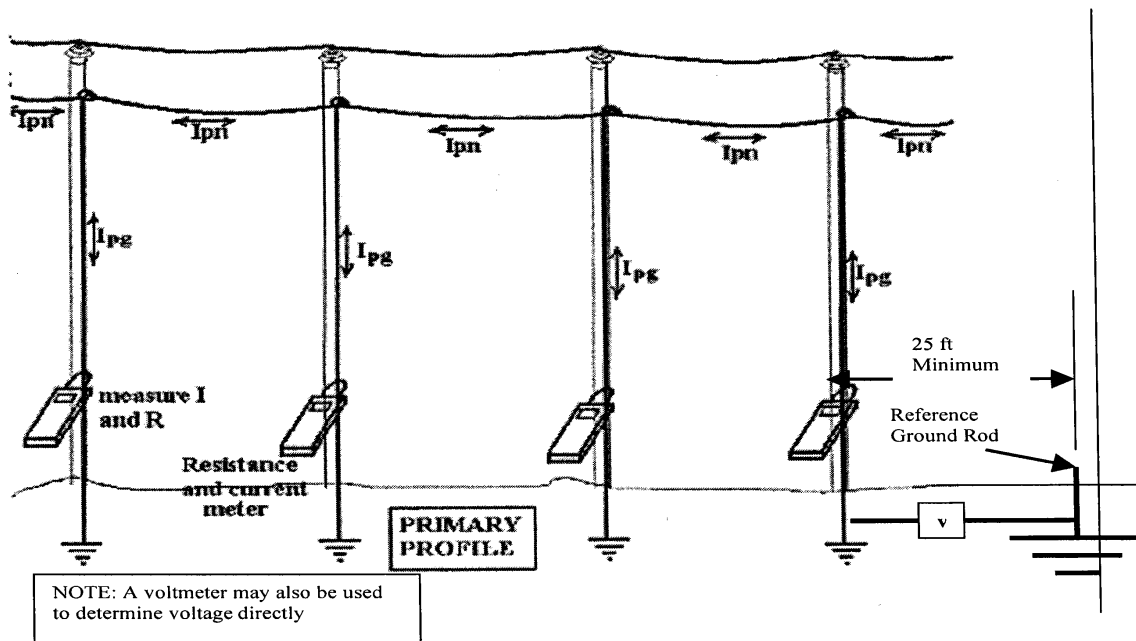


Figure 4, Primary Profile Test ( )

**076. TEST 4 -- SECONDARY NEUTRAL VOLTAGE DROP TEST (RULE 76).**

**01. Purpose.** This test is used to determine the impact of each secondary service on the neutral-to-earth (NEV) and cow contact voltages on the dairy under controlled conditions. ( )

**02. Conducting the Test.** This test shall be performed for all service entrances. A proxy load of known characteristics (such as a resistive load like a one hundred twenty (120) volt, fifteen hundred (1,500) watt hairdryer) is required for this test. The proxy load must create a known and stable current and subsequent voltage drop for each neutral serving a main panel, sub-panel or end-of-service area. All service entrances other than that being tested shall be turned "off" to perform this test. A diagram showing the connections and measurement points for this test is shown in Figure 5.

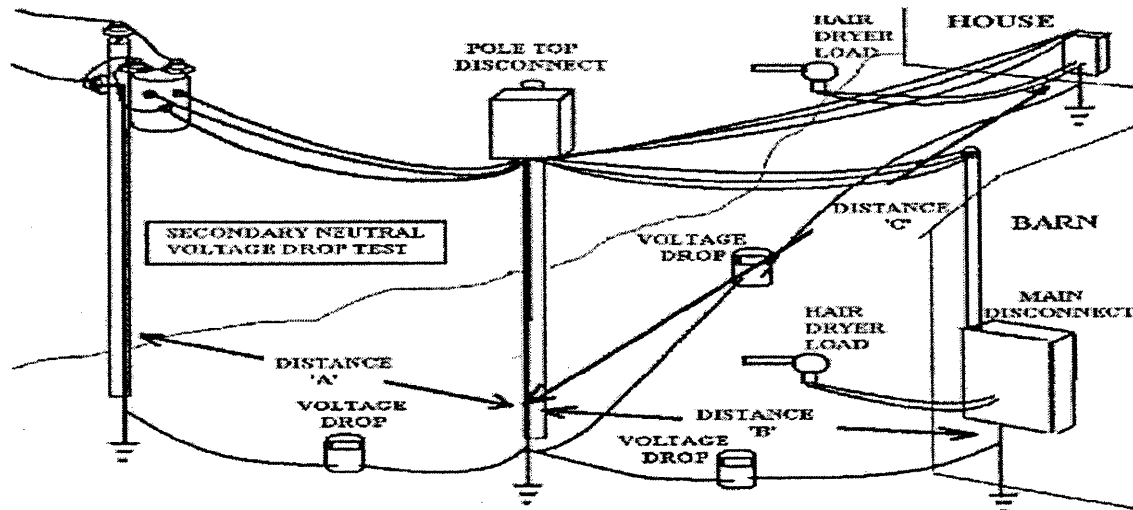


Figure 5, Secondary Neutral Voltage Drop Test Arrangement.

03. **Data Collection.** The following data shall be collected for each secondary neutral tested: ( )
- a. Gauge and type of neutral wire. ( )
  - b. Length of neutral wire. ( )
  - c. Neutral current,  $I_{sn}$ . ( )
  - d. Voltage drop ( $V_{DropM}$ ) between both ends of the secondary neutral being tested. ( )
  - e. Cow contact voltage ( $V_{cc}$ ) or current ( $I_{cc}$ ) at the same points used in the forty-eight (48) hour test. ( )
  - f. Primary neutral at the transformer to reference ground voltage,  $V_p$ . ( )
  - g. Secondary neutral to reference ground voltage,  $V_s$ . ( )

04. **Measurements.** The three (3) voltages ( $V_{cc}$ ,  $V_p$  and  $V_s$ ) shall be measured with the proxy load “off” and “on.” Calculated expected voltage drops ( $V_{DropC}$ ) (see Appendix 4) shall be compared with measured voltage drops ( $V_{DropM}$ ). If the measured and calculated voltage drops differ significantly, further investigation shall be undertaken to determine the source of additional voltage drop within the circuit. Neutral current shall be measured and recorded with the proxy load on ( $I_{sn}$ ). ( )

05. **Recording the Data.** Any person conducting this test shall record the location of, and measured values at, each test point. Data and calculation results for these test points shall be recorded on the form in Appendix 4. ( )

077. **TEST 5 -- THE LOAD BOX TEST (RULE 77).**

01. **Purpose.** This test is used to determine the extent to which the primary system contributes to stray current or voltage at cow contact points. For dairies with three (3) phase balanced primary service, the service

provider shall perform Steps One and Two in Paragraph 077.02.b. below. ( )

02. **Conducting the Load Box Test.** This test shall be performed at the same time of day as the time(s) of highest cow contact voltage found in the forty-eight (48) hour test. During this test, voltage and current shall be measured and recorded at the points indicated in Figure 6.

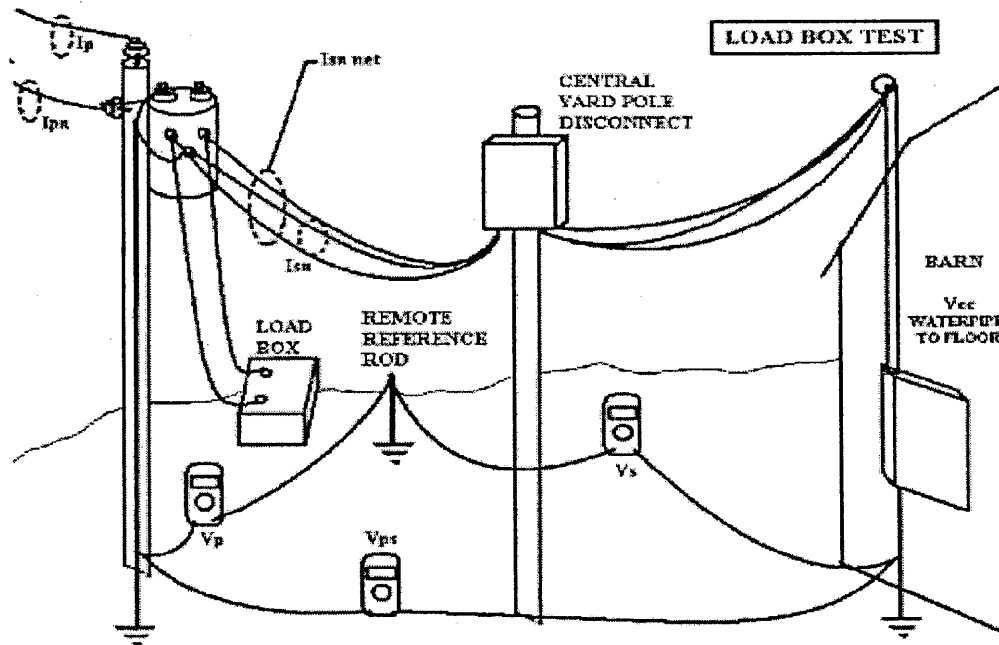


Figure 6, Load Box Test. ( )

a. The load box test requires the recording of eight (8) data points during each of the five (5) test steps. The eight (8) data points that shall be measured or calculated and recorded for each step are: ( )

- i. Primary line to neutral voltage,  $V_{pri}$ . ( )
- ii. Load Box Current,  $I_{lb}$ . ( )
- iii. Voltage at load box connection to secondary system,  $V_{lb}$ . ( )
- iv. Calculate transformer current  $I_p$  using  $I_p = \frac{I_{lb} \times V_{lb}}{V_{pri}}$ . ( )
- v. Voltage from primary neutral at the transformer to remote reference ground rod,  $V_p$ . ( )
- vi. Voltage from secondary neutral in the service panel serving the area of the cow contact to remote reference ground rod,  $V_s$ . ( )
- vii. Voltage from primary neutral at the transformer to secondary neutral at the service panel serving the area of cow contact,  $V_{ps}$ . ( )
- viii. Cow contact voltage ( $V_{cc}$ ) or current ( $I_{cc}$ ) at the same point(s) used in the forty-eight (48) hour test. ( )

b. Except for dairies with three (3) phase balanced primary service, the following five (5) test steps

shall each be conducted for at least two (2) minutes: ( )

- i. Step One: The load box shall be de-energized, the dairy shall remain “on,” and the data shall be recorded. ( )
- ii. Step Two: The load box shall be de-energized, the dairy shut “off,” and the data shall be recorded. ( )
- iii. Step Three: The load box shall be set to half load, the dairy shut “off,” and the data shall be recorded. ( )
- iv. Step Four: The load box shall be set to full load, the dairy shut “off,” and the data shall be recorded. ( )
- v. Step Five: The load box shall be set to full load, the dairy shall be turned “on,” and the data shall be recorded. ( )

**03. Calculating the K Factor.** The K factor is a calculated ratio ( $V_{cc}/V_s$ ). The K factor should be less than one (1) because  $V_{cc}$  (cow contact voltage) should be less than  $V_s$  (the dairy ground to reference ground voltage). If the K factor is greater than one (1), then there is contribution to  $V_{cc}$  from sources other than  $V_s$ . ( )

**04. Recording the Data.** The person conducting this test shall record the location of, and measured values at, each test point. Data and calculation results for these test points shall be recorded on the form in Appendix 5. ( )

**078. TEST 6 -- SIGNATURE TEST (RULE 78).**

**01. Purpose.** This test is used to determine the contribution to stray current or voltage of individual pieces of equipment operating on the dairy. The test is best performed when there is minimal farm electrical activity. ( )

**02. Conducting the Signature Test.** During this test, individual pieces of major current drawing equipment shall be started and stopped. The effects of starting, operating, and stopping each piece of equipment shall be measured and recorded for a period of operation of at least fifteen (15) seconds. The person conducting the test shall identify and record the equipment being tested and record the specific times that the equipment was started and stopped. A digitizing data recorder with averaging capability shall be used to measure and record the required electrical data. These measurements shall be taken at the same locations at the dairy where measurements were taken for the purpose of the load box test and forty-eight (48) hour test. ( )

- a. Voltage from primary neutral at the transformer to remote reference ground rod,  $V_p$ . ( )
- b. Secondary neutral at the service panel serving the area of cow contact to remote reference ground voltage,  $V_s$ . ( )
- c. Primary neutral voltage drop ( $V_{ps}$ ) from the location of connection for  $V_p$  to secondary neutral voltage at the location of the connection for  $V_s$ . ( )
- d. Cow contact voltage ( $V_{cc}$ ) or current ( $I_{cc}$ ) at the preselected point. ( )

**03. Recording the Data.** All of the data gathered by the recording equipment during the signature test, including transients shall be downloaded and retained with the records of the investigation. In addition, the steady state data shall be summarized in the investigation report. The recorded data shall be made available to the dairy producer or utility upon request. The location of all test point(s) shall be recorded on the form in Appendix 6. A plot of the voltage versus time may be substituted for the recording of measured values on Appendix 6. ( )

**079. -- 080. (RESERVED)**

ANALYSIS AND REPORTING THE DATA  
Rules 81 through 90

081. ANALYZING THE COLLECTED DATA (RULE 81).

**01. Cow Contact Points.** Examine the data recorded for the forty-eight (48) hour test in Appendix 2 and determine the highest steady state value of cow contact voltage ( $V_{cc}$ ) or current ( $I_{cc}$ ). Determine the value of primary neutral to reference voltage ( $V_p$ ) that was present for the highest cow contact value. Record these values on the data sheet of Appendix 7. These values shall be identified as “test cow contact voltage or current” ( $V_{cc}$  48hr or  $I_{cc}$  48hr) and “primary neutral to reference voltage at time of maximum cow contact voltage or current” ( $V_p$  48hr). The three (3) data sets created from the values are: ( )

**a.** The primary to reference ground voltage and the cow contact voltage or current measured during the load box test (Appendix 5) with the farm power “off” and the load box “off” shall be recorded on the data sheet of Appendix 7 as  $V_p$  OFF and either  $V_{cc}$  OFF or  $I_{cc}$  OFF. ( )

**b.** The primary to reference ground voltage and the cow contact voltage or current measured with the load box set at one-half (1/2) load shall be recorded on the data sheet of Appendix 7 as  $V_p$  HALFLOAD and either  $V_{cc}$  HALF LOAD or  $I_{cc}$  HALFLOAD. ( )

**c.** The primary to reference ground voltage and the cow contact voltage or current measured with the load box at maximum shall be recorded on the data sheet of Appendix 7 as  $V_p$  FULLLOAD and either  $V_{cc}$  FULLLOAD or  $I_{cc}$  FULLLOAD. ( )

**02. Contributions to Stray Voltage or Current for Single Phase Dairies.** The utility contribution to cow contact voltage or current shall be determined using the following formula. Compare the values determined to the preventive action level (PAL).

Utility contribution to  
cow contact voltage = 
$$\frac{V_p 48 - V_p \text{HALF}}{V_p \text{FULL} - V_p \text{HALF}} \times (V_{cc} \text{ FULL} - V_{cc} \text{ HALF}) + V_{cc} \text{ HALF}$$

or

Utility contribution to  
cow contact current = 
$$\frac{V_p 48 - V_p \text{HALF}}{V_p \text{FULL} - V_p \text{HALF}} \times (I_{cc} \text{ FULL} - I_{cc} \text{ HALF}) + I_{cc} \text{ HALF} \quad ( )$$

**03. Contributions to Stray Voltage or Current for Three Phase Dairies.** The utility contribution to cow contact voltage or current for dairies with three (3) phase balanced load service, shall be determined by directly using the results of the load box test results for Step 1 and Step 2 as specified in Paragraph 077.02.b. ( )

**a.** The  $V_{cc}$  measured during Step 1 of the load box with the load box “off” and the dairy “on” will be the total  $V_{cc}$ . ( )

**b.** The  $V_{cc}$  measured during Step 2 of the load box test with the load box “off” and the dairy “off” is the contribution to  $V_{cc}$  from the utility,  $V_{cc} \text{utility}$ . ( )

**c.** The contribution to  $V_{cc}$  by the dairy is the difference between  $V_{cc}$  and  $V_{cc} \text{utility}$ ,  $V_{cc} \text{dairy} = V_{cc} - V_{cc} \text{utility}$ . ( )

082. REPORTING (RULE 82).

Within a reasonable period of time after completion of any tests required to be performed by the utility under these rules, a qualified analyst shall prepare a written report. The report shall include a summary of the tests performed, a copy of the sketch or drawing of the dairy prepared pursuant to Section 072, all of the data or results obtained from

the tests, and an analysis of the data or results obtained from the tests. If remediation was required under these rules, the report shall specify the actions taken or to be taken. The utility shall provide a copy of the written report to the dairy producer. ( )

**083. -- 090. (RESERVED)**

**REMEDIAL ACTIONS AND COMMISSION PROCEEDINGS**  
**Rules 91 through 92**

**091. REMEDIATION (RULE 91).**

**01. Utility System.** If the utility is required to conduct remediation, it shall commence such remediation within five (5) business days. The utility shall diligently pursue to completion remedial procedures which shall reduce, and are reasonably likely to sustain, that portion of the stray current or voltage attributable to the utility's distribution system to a level equal to or less than fifty percent (50%) of the preventive action level (PAL). This may include addressing other off-dairy sources. ( )

**02. Other Dairies, Farms and Industrial Sites.** If a utility's contribution to stray voltage exceeds fifty percent (50%) of the preventive action level (PAL) and the utility determines that another customer is a significant contributing source of stray voltage, the utility shall notify both the dairy and the other customer in writing. ( )

**092. COMMISSION PROCEEDINGS (RULE 92).**

**01. Filing with the Commission.** All petitions seeking relief under Section 61-805, Idaho Code, shall be filed with the Commission Secretary pursuant to Section 005. Petitions shall conform to IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Section 053. The petitioner shall file an original and five (5) copies of the petition. ( )

**02. Contents of Petition.** The petition shall conform to IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Section 053. The petition shall contain background information, the date the notice was filed with the serving utility, a description of the alleged incident(s) of non-compliance with the Stray Current and Voltage Remediation Act, and the remediation actions (if any) undertaken by either the utility or the dairy. A copy of the utility's entire stray voltage report shall accompany the petition. ( )

**093. -- 999. (RESERVED)**

**APPENDIX 1**  
**TEST 1 – COW CONTACT POINT DATA FORM**

Dairy Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Dairy Location: \_\_\_\_\_  
 Shunt Resistor: \_\_\_\_\_ ohm ( Rshunt )

Item #	Contact Point Identifier	Contact Point Description	Voltage Measured w/o Shunt Resistor Voc	Voltage Current Measured w/Shunt Resistor Vcc	Source Resistance Calculated Rsource	Comments
1						
2						

**TEST 1 – COW CONTACT POINT DATA FORM INSTRUCTIONS**

1. The total information provided by the contact point identification, the contact point description, and the dairy sketch(es) shall be sufficient to allow a third party to accurately repeat the test locating the correct cow contact points for a specific contact voltage.
2. The voltages measured in this test shall be determined using the same instrument(s) for both data points. One reading shall be taken immediately following the other using the same meter.
3. The actual source resistance is calculated from the known shunt resistance and the measured voltage.
4. Record comments as appropriate or necessary.

$$R_{\text{source}} = \frac{V_{\text{oc}} - V_{\text{shunt}}}{V_{\text{shunt}}} \times R_{\text{shunt}}$$

or

$$R_{\text{source}} = \frac{V_{\text{oc}}}{I_{\text{shunt}}} - R_{\text{shunt}}$$

**APPENDIX 2**

**TEST 2 – “48-HOUR” TEST REPORT FORM 1**

Customer Name:

Date:

Start Time:

Stop Time:

Contact Point Identifier Number

Hour	Time of Occurrence (Hr, Min) of Highest Steady State Vcc or Icc	Voltage Across (Current Thru) Rshunt Vcc or Icc	Primary Neutral to Referenced Ground Vp	Secondary Neutral to Reference Ground Vs	Primary to Secondary Voltage Drop Vps	Duration Steady State Vcc or Icc Exceeded PAL in One Hour Period
1						
2						

**TEST 2 - “48-HOUR” TEST REPORT FORM 1  
INSTRUCTIONS**

Record the following data with a long term digitizing data recorder or its equivalent for a minimum of 48 hours as specified in Rule 074:

- a. Voltage from primary neutral to remote reference ground, Vp, at transformer.
- b. Secondary neutral to remote reference ground voltage, Vs, at the electrical panel serving the area



for the Vcc or Icc selected.

- c. Primary neutral to secondary neutral voltage, Vps, between points of connection for Vp and Vs.
- d. Steady state cow contact voltage or current at the preselected point(s) with the highest cow contact voltage or current recorded in Test 1, Vcc or Icc.

Steady State Data:

Steady state data recorded during the 48-hour test shall be presented in tabular format on Form 1 as described below, or it shall be presented graphically. Graphical presentation shall include a time scale for the entire recording period and a clear indication of the steady state readings of Vcc or Icc, Vp, Vs and Vps for the recording intervals. The scale(s) shall be such that steady state cow contact voltages or currents at or above the PAL are easily identifiable.

If using tabular format, the analyst shall enter data in the table for each hour of the 48 hours of the test in chronological order. The data recorded in the table shall include: the specific time that the highest steady state value of Vcc or Icc was recorded in that hour; all four corresponding data points recorded at that time (Vp, Vs, Vps and Vcc or Icc), and the total time during the hour that the steady state Vcc or Icc exceeded the PAL.

**TEST 2 – REPORT FORM 2  
SUPPLEMENTAL DATA FOR FARM OWNER  
TRANSIENT DEVIATIONS FOUND DURING “48-HOUR” TEST**

Customer Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Start Time: \_\_\_\_\_ Stop Time: \_\_\_\_\_  
Contact Point Identifier Number: \_\_\_\_\_

Hour	Time of Highest Peak Vcc (Icc)	Highest Voltage Recorded	Total Number Transient Deviations	No. Transient Deviations Exceeding 1.0 Volts with Peak Magnitude Greater than 1.0 Volts (2.0 milliamps)
1				
2				

Transient deviations occur due to electrical events such as motor starts. The PAL level is 1.0 volt for steady state voltages but PAL does not apply to transient voltage deviations.

**TEST 2 - “48-HOUR” TEST REPORT FORM 2  
INSTRUCTIONS**

Recording Transient Data:

For the purpose of identifying and reporting transient deviations, a transient deviation occurs when the recorded maximum Vcc or Icc in a recording interval exceeds two hundred percent (200%) of the steady state Vcc or Icc recording during the same recording interval.

Transient data recorded during the 48-hour test shall be presented in tabular format on the “48-hour Test – Transient Deviation Data” form as described below, or it shall be presented graphically. Graphical presentation shall include a time scale for the entire recording period and a clear indication of the maximum Vcc or Icc recorded for the recording intervals. The scale(s) shall be such that Vcc transient deviations at or above two (2.0) volts, or Icc transient deviations at or above four (4) milliamps, are easily identifiable.

If using a tabular format, the analyst shall enter data in the table for each hour of the 48 hours of the test in chronological order. The data recorded in the table shall include; the specific time during the hour that the transient deviation in Vcc or Icc with the largest peak magnitude occurred, the corresponding peak Vcc or Icc, the total number of transient deviations recorded in that hour, and the total number of transient deviations recorded in that hour with a peak magnitude of two (2) or more volts for Vcc or four (4) or more milliamps for Icc.

**APPENDIX 3**

**TEST 3 – PRIMARY PROFILE DATA FORM**

Dairy Name:

Dairy Location:

Date:

Item	Pole Location & Identification	Time	Current Primary Ground Ipg	Resistance Primary Ground Rpg	Calculated Voltage (primary neutral-to-earth) Vpne	Measured Voltage (primary neutral-to-earth) Vpne	
#			(mA)	(Ohm)	(V)	(V)	Notes
1							
2							

Note: If Vpne is measured it is not required to measure Ipg and Rpg for determination of the calculated Vpne. In cases where Vpne is calculated the following formula is used:

$$\text{Calculated Vpne} = (\text{Ipg} \times \text{Rpg}) / 1000$$

**APPENDIX 4**

**TEST 4 – SECONDARY NEUTRAL VOLTAGE DROP TEST**

Test Performed by:

Date:

Customer Name:

(All other farm loads must be off. Use only one load per circuit.)

	SITE:	1	2	3	4	5	
A	Site Location						Units
B	Circuit Neutral Wire Gauge						AWG
C	Circuit Neutral AL or CU						

D	Wire length (in 100's ft.)						100 ft.
E	$\Omega$ /100 ft.						$\Omega$
F	Total Resistance (D times E)						$\Omega$
G	Measured Neutral Current, Isn						A
H	Calculated Voltage Drop, $V_{DropC}$ (F times G)						V
I	Measured Voltage Drop, $V_{DropM}$						V
J	Percent difference [(H-I)/H]*100						%
	Vp load "off"						V
	Vs load "off"						V
	Vcc load "off"						V
	Icc load "off," if measured						
	Vp load "on"						V
	Vs load "on"						V
	Vcc load "on"						V
	Icc load "on," if measured						

**TEST 4 – SECONDARY NEUTRAL VOLTAGE DROP TEST  
INSTRUCTIONS**

**ITEM                    EXPLANATION**

A-J     Describe load site location, neutral wire gauge, neutral wire length (in 100s of feet), resistance per 100 feet (see table below), measured neutral current, measured voltage drop, Vp, Vs and Vcc or Icc for load "off" and load "on."

Voltage drop is measured from end-to-end of the secondary neutral being tested and the neutral bus of the building being tested. Electrical power to all buildings shall be turned-off during this test except at the building being tested. Locations of Vp, Vs and Vcc or Icc are the same as measured during the previous tests.

Calculate the total circuit resistance. Calculate using Ohm's Law, the expected neutral voltage drop. Calculate the absolute value of the difference and divide by the expected voltage drop. Express this as a percentage. If the two values (measured voltage drop and calculated voltage drop) do not agree, further investigation is warranted to discover the reason for the discrepancy.

**Resistance Chart (ohm per 100 feet)**

**Multi-conductor Cables at 68 Degrees F.**

<b>MATERIAL</b>		
<b>GAUGE</b>	<b>AL</b>	<b>CU</b>
14	0.423	0.257
12	0.265	0.162
10	0.166	0.102
8	0.104	0.064
6	0.066	0.040
4	0.042	0.025
2	0.026	0.016
1	0.021	0.013
1/0	0.016	0.010
2/0	0.013	0.008
3/0	0.010	0.007
4/0	0.008	0.005

**APPENDIX 5**  
**TEST 5 – LOAD BOX TEST**

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Dairy: \_\_\_\_\_

	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>	<b>STEP 5</b>
	<b>FARM ON</b>	<b>FARM OFF</b>	<b>FARM OFF</b>	<b>FARM OFF</b>	<b>FARM ON</b>
Condition	Load Box Off	Load Box Off	Load Box Half On	Load Box Full On	Load Box Full On
Time:					
Vp	V	V	V	V	V
Vs	V	V	V	V	V
Vps	V	V	V	V	V
Vcc	V	V	V	V	V
Icc	A	A	A	A	A

Load Box Current (I <sub>lb</sub> ):	Half Load	A	Full Load	A
Load Box Voltage (V <sub>lb</sub> ):	Half Load	V	Full Load	V
Primary Nominal Voltage Phase to Neutral (V <sub>pri</sub> ):		V		
Transformer Current Due to Load Box (I <sub>XFMR</sub> ):	Half Load	A	Full Load	A

$$I_p = \frac{I_{lb} \times V_{lb}}{V_{pri}}$$

K-Factor for Cow Contact Point       $K = \frac{V_{cc}}{V_s}$

**TEST 5 - LOAD BOX TEST  
INSTRUCTIONS**

Note 1: Testing may be accomplished by a single 18/25 kW load box or a dual element 9/18 or 12.5/25 kW load box. The difference between full load and half load measurements is used in most calculations.

Note 2: If the dairy is found in an isolated condition, two load box tests must be performed: an isolated test and a non-isolated test.

Note 3: If the dairy is served by a three-phase system, measure and record only the dairy-off, load box off column and the dairy-on, load box off column or test only one phase of the three.

**ITEM    EXPLANATION**

#

- 1    Enter date and customer name.
- 2    Attach load box to the 240-volt secondary side of transformer. Turn on load box and measure current and voltage and record on data sheet, Appendix 5.
- 3    Conduct load box test and for each step measure and record V<sub>p</sub>, V<sub>s</sub>, V<sub>ps</sub> and V<sub>cc</sub> or I<sub>cc</sub>. Each step shall be maintained for approximately two minutes with the highest reading during that time interval recorded.
  - Step 1    Farm power is “on” with load box “off”
  - Step 2    Farm power is “off” with load box “off”
  - Step 3    Farm power is “off” with load box “on” at half load
  - Step 4    Farm power is “off” with load box “on” at full load
  - Step 5    Farm power is “on” with load box “on” full load
- 4    Remove load box and restore normal power to the farm.

**APPENDIX 6**

**TEST 6 – EQUIPMENT SIGNATURE TEST FORM**

Dairy Name:

Date:

Location:

Descr. of Load	Location of Load	Load V	Load kW or HP	Load Phase 1 or 3	Load On						Load Off					
					Time	Vp	Vs	Vps	Vcc	Icc	Time	Vp	Vs	Vps	Vcc	Icc
1																
2																

**TEST 6 - EQUIPMENT SIGNATURE TEST FORM INSTRUCTIONS**

**ITEM INSTRUCTIONS**

- 1 Enter the date the test is performed.
- 2 Enter the name of the dairy.
- 3 Enter the description of the load for which the signature will be recorded.
- 4 Provide a complete description of the load. Provide voltage, horsepower or kilowatt rating, if known.
- 5 Note the time of turn-on and the time of turn-off. Equipment should be “on” for a period of not less than 15 seconds. If equipment is found in the “on” condition, turn it “off” then turn it back “on.” If equipment cannot be manually cycled then record data at the next “on” – “off” cycle.
- 6 Repeat for all major circuits and pieces of equipment (both 120 volt and 240 volt). Some equipment may normally be operated in sequence. Start each piece of equipment at 15-second intervals until all are running, then turn off in reverse order at 15-second intervals.
- 7 If data is to be provided graphically, only load description and time are required to be provided on Test 6 data sheet. Operation of each piece of equipment shall be indicated on the graphical data sheet(s).

**APPENDIX 7**

**PREVENTIVE ACTION LEVEL RESULTS**

Enter the highest value of cow contact voltage or current that occurred during the 48-hour test from Appendix 2, and corresponding primary to reference ground voltage.

V<sub>p</sub>48hr : \_\_\_\_\_ V    V<sub>cc</sub>48hr : \_\_\_\_\_ V    or    I<sub>cc</sub> 48hr : \_\_\_\_\_ A

Enter the value of cow contact voltage or current and corresponding primary to reference ground voltage that was present during the load box test with the farm power off and the load box off.

V<sub>p</sub> OFF : \_\_\_\_\_ V    V<sub>cc</sub> OFF : \_\_\_\_\_ V    or    I<sub>cc</sub> OFF : \_\_\_\_\_ A

Enter the value of cow contact voltage or current and corresponding primary to reference ground voltage that was present during the load box test with the farm power off and the load box set at half load.

V<sub>p</sub> HALFLOAD : \_\_\_\_\_ V    V<sub>cc</sub> HALFLOAD : \_\_\_\_\_ V    or I<sub>cc</sub> HALFLOAD : \_\_\_\_\_ A

Enter the value of cow contact voltage or current and corresponding primary to reference ground voltage that was present during the load box test with the farm power off and the load box at maximum.

V<sub>p</sub> FULLLOAD : \_\_\_\_\_ V    V<sub>cc</sub> FULLLOAD : \_\_\_\_\_ V    or    I<sub>cc</sub> FULLLOAD : \_\_\_\_\_ A

Calculations:

Utility Contribution to

$$\text{Cow Contact Voltage} = \frac{V_{p48hr} - V_{pHALF}}{V_{pFULL} - V_{pHALF}} \times (V_{ccFULL} - V_{ccHALF}) + V_{ccHALF}$$

Utility contribution to cow contact voltage = \_\_\_\_\_ V

Utility contribution to cow contact voltage as a percentage of V<sub>cc</sub> 48hr = \_\_\_\_\_ %

Utility contribution to cow contact voltage as a percentage of PAL = \_\_\_\_\_ %

Utility Contribution to

$$\text{Cow Contact Current} = \frac{V_{p48hr} - V_{pHALF}}{V_{pFULL} - V_{pHALF}} \times (I_{ccFULL} - I_{ccHALF}) + I_{ccHALF}$$

Utility contribution to cow contact current = \_\_\_\_\_ mA (milliamps)

Utility contribution to cow contact current as a percentage of I<sub>cc</sub> 48hr = \_\_\_\_\_ %

Utility contribution to cow contact current as a percentage of the PAL = \_\_\_\_\_ %

See Section 071.02 for required actions based on these results.

**31.81.01 – ENERGY CONSUMPTION REPORTING RULES**

**GENERAL PROVISIONS**

**Rules 0 through 10**

**000. LEGAL AUTHORITY (RULE 0).**

These rules are promulgated pursuant to the authority of the Electric and Natural or Manufactured Gas Consumption from Ground Water Pumping Act (hereinafter the Energy Consumption Act), Chapter 13, Title 62, Idaho Code, and the Public Records Act, Section 74-107(13), Title 74, Idaho Code. ( )

**001. TITLE AND SCOPE (RULE 1).**

The title of these rules is the “Energy Consumption Reporting Rules.” These rules apply to all suppliers of electricity, or natural or manufactured gas, including public utilities, municipal, mutual nonprofit, and cooperative corporations. These rules should be construed in connection with the Energy Consumption Act, the Public Utilities Law, the Public Records Law, and other applicable state laws. Procedures in these Energy Consumption Reporting Rules will be liberally interpreted to secure a just, speedy and economical determination of issues presented to the Commission. Unless prohibited by statute or rule of substantive law, the Commission may permit deviation from procedural rules in these rules when it finds compliance with them is impracticable, unnecessary or not in the public interest. ( )

**002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).**

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. ( )

**003. ADMINISTRATIVE APPEALS (RULE 3).**

All administrative procedures under these rules are conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. ( )

**004. (RESERVED)**

**01. Report Summaries.** The Department may make summaries of such reports available upon written request provided that the identity of individual customers or accounts is protected from public disclosure and cannot be ascertained from the summaries. ( )

**02. Consumption Reports.** The Department may release consumption reports to state and federal entities for research purposes provided the identity of individual customers or accounts is protected from public disclosure and cannot be ascertained from the reports. ( )

**005. DEFINITIONS (RULE 5).**

Whenever any term used in these rules is defined or referred to in the Energy Consumption Act, that term takes its statutory definition in these rules. The following terms used in these rules are defined: ( )

**01. Commission.** The Idaho Public Utilities Commission. ( )

**02. Consumption Reports.** The reports created by the energy suppliers as authorized by these rules and submitted to the Department. ( )

**03. Department.** The Idaho Department of Water Resources. ( )

**04. Energy Suppliers.** All suppliers of electric power and natural or manufactured gas including all public utilities, municipal, mutual nonprofit, and cooperative corporations providing energy to an irrigation customer. ( )

**05. Geographic Areas.** Hydrological basins with boundaries determined by the Department. The geographic areas are depicted in the Appendix to these rules. ( )

**06. Irrigation Customer.** A customer pumping ground water that is: ( )

**a.** Receiving service from an energy supplier under an irrigation service tariff or rate schedule; or ( )



b. Irrigating three (3) or more acres if such information is known to the energy supplier. ( )

**07. Irrigation Season.** As used in these rules means the calendar period from March 1 through October 31 or the energy supplier's billing cycles that include the calendar period. ( )

**08. Service Location.** The geographic position of the irrigation customer's pumping location(s) by address, pole number, legal description, longitude-latitude designations, or other description of where the service is delivered, to the extent such information is readily available to the energy supplier. ( )

**006. (RESERVED)**

**007. FORMS (RULE 7).**  
The Department may produce and distribute forms to carry out these rules. ( )

**008. CORRESPONDENCE -- CHANGE OF ADDRESS (RULE 8).**

**01. Department's Mailing Address.** All correspondence with the Department regarding these rules or energy consumption reports should be addressed to:

Water Allocation Bureau  
Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

The street address is: 322 E. Front St., Boise, ID 83720-0098. ( )

**02. Supplier's Mailing Address Must be Provided to Department.** Each energy supplier will provide the Department with a name or department and its mailing address for the purpose of receiving notices and correspondence. Any change of address should be reported to the Department in writing. ( )

**009. -- 010. (RESERVED)**

### **REPORTING RULES**

#### **Rules 11 through 20**

**011. REQUEST FOR REPORTS (RULE 11).**  
No later than July 1 of each year, the Department may request consumption reports from energy suppliers for the current irrigation season. ( )

**01. Notification by Department.** The Department will notify energy suppliers serving specific geographic areas that consumption reports must be submitted. ( )

**02. Submission of Consumption Reports.** Once the Department requests the consumption reports, the energy supplier will prepare and submit the report to the Department as soon as possible following the close of the irrigation season but no later than January 5 of the following year. ( )

**012. CONTENTS OF CONSUMPTION REPORT (RULE 12).**

**01. Content of Consumption Reports.** Each consumption report will contain, to the extent available, the customer's full name, customer account number, service location, service location identification number, and the amount of energy consumed in kilowatt hours (KWH), or cubic feet of gas, or other applicable volume measurement for each service location. For each service location, the annual consumption report will state how much energy the customer consumed for each billing period during the irrigation season, and for the entire irrigation season. ( )

**02. Geographic Area(s) Covered in Consumption Report.** The energy supplier may file a consumption report covering the specific geographic area(s) set forth in the Department's notice or, at the discretion of the supplier, a report that encompasses a larger territory so long as the Department's designated areas are included. ( )

**013. REPORT FORMAT (RULE 13).**

Consumption reports will be forwarded to the Department in an electronic storage media in a format mutually acceptable to the Department and the energy supplier. If an agreement is not reached or if the supplier is unable to provide the consumption report in electronic media, the report will be submitted in writing. ( )

**014. -- 020. (RESERVED)**

**REIMBURSEMENT RULES**

**Rules 21 through 30**

**021. REIMBURSEMENT OF COSTS (RULE 21).**

Energy suppliers are entitled to reimbursement of the costs for preparing and submitting the consumption reports. Energy suppliers seeking reimbursement will itemize in sufficient detail their actual costs in preparing and submitting the data. Reimbursement is to be paid by the Department. ( )

**022. RESOLUTION OF REIMBURSEMENT DISPUTES (RULE 22).**

When an energy supplier and the Department are unable to resolve a reimbursement dispute, either party or both may seek informal dispute resolution with the Commission's staff. See IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Sections 021 through 024. If the outcome of the informal proceeding is unsatisfactory to either party, the aggrieved party may file a formal complaint with the Commission. (See IDAPA 31.01.01, Sections 023 through 025, and 051 through 058.) The Commission decides formal complaints under its Rules of Procedure, 31.01.01.000 et seq. ( )

**023. -- 999. (RESERVED)**