

Dear Senators MCKENZIE, Fulcher, Malepeai, and  
Representatives LOERTSCHER, Crane, Smith:

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

IDAPA 31.41.01 - Rules Pertaining To 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) (Docket No.  
31-4101-1201).

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 09/27/2012. 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 10/25/2012.

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 334-4845, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee  
**FROM:** Division Manager - Mike Nugent  
**DATE:** September 10, 2012  
**SUBJECT:** Public Utilities Commission

IDAPA 31.41.01 - Rules Pertaining To 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) (Docket No. 31-4101-1201)

The Idaho Public Utilities Commission is proposing to amend its rules regarding customer relations by telephone companies by adopting both temporary and proposed rules. The Commission indicates that the rule changes were initiated by telephone companies as a result of the competitive change in the marketplace since 1993 when the rules were last amended. The temporary and proposed rules would increase the time to restore service when outages occur, would eliminate penalty payments and would eliminate certain automatic reporting requirements to the Commission from telephone companies. It appears that the temporary and proposed rules have been promulgated within the scope of statutory authority granted to the Public Utilities Commission.

cc: Public Utilities Commission  
Jean D. Jewell  
Weldon B. Sutzman

## IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

### 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)

DOCKET NO. 31-4101-1201

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is July 3, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 61-515, 62-605(5)(b), and 62-622(5), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2012.

The hearing site(s) 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The IPUC adopted changes to IDAPA 31.41.01.502, effective July 3, 2012, by approving a stipulation signed by IPUC Staff and telephone companies affected by the rule. The proposed change was initiated by the telephone companies who face competitive pressures that did not exist in 1993 when the rule was promulgated. The rule change increases time to restore service when outages occur, eliminates penalty payments, and eliminates automatic reporting requirements. Particular references to Rule 502 in Rule 500 and Rule 501 are deleted to coincide with the changes to Rule 502.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The change to IDAPA 31.41.01.502 confers an economic benefit on telephone companies who currently face competition in local telephone markets. The rule change (a) increases time to restore service when outages occur, (b) eliminates penalty payments, and (c) eliminates automatic reporting requirements. Adopting the rule change as temporary allows benefit to be immediately effective.

**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was conducted through a public workshop on April 30, 2012, and by written comments received by electronic mail. Members of the public and representatives of at least twelve (12) telecommunications companies participated in the informal negotiated rulemaking process.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Weldon B. Stutzman, Deputy Attorney General, at (208) 334-0318.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before September 26, 2012.

Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 20th day of July, 2012.

Jean D. Jewell, Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:

472 W Washington  
Boise, Idaho 83702-5918

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 31-410-1201**

**500. QUALITY OF SERVICE (RULE 500).**

**01. Service Standards.** Each telephone company providing local exchange service pursuant to Title 61 or Title 62, Idaho Code, as applicable, and each eligible telecommunications carrier (ETC) is required to employ prudent management and engineering practices to ensure that customers receive the best quality of service practicable. Each telephone company is required to adopt and pursue a maintenance program aimed at achieving efficient operation of its systems to render safe, adequate and uninterrupted service. These programs must include guidelines for keeping all plant and equipment in good repair, including the following: (3-29-10)

- a. Broken, damaged or deteriorated equipment must be promptly repaired or replaced; and (7-1-93)
- b. Transmission problems (including induction, cross-talk, or other poor transmission on any line) must be promptly corrected when located or identified. (7-1-93)

**02. Service Outage.** If a customer's local telephone service quality deteriorates to such an extent that the customer cannot make local calls or cannot receive local calls or cannot use the service for voice grade communication because of cross-talk, static or other transmission problem, the telephone company must respond to a customer's report of such a "service outage" in accordance with Rule 502. ~~Customer's bills must be appropriately and automatically credited pursuant to the terms of Rule 502.~~ (3-29-10)(7-3-12)T

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

**01. Receipt and Recording of Reports.** Each telephone company providing local exchange service shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of and response to all reports. The telephone company shall maintain an accurate record of trouble reports made by its customers. This record shall include accurate identification of the affected customer or service, the time, date and nature of the report, the action taken to clear the trouble or satisfy the customer, and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within two (2) years of the date of the record. (3-29-10)

**02. Repair Commitments.** Commitments to customers for repair service shall be set in accordance with Rule 502. Each telephone company shall make every reasonable attempt to fulfill repair commitments to customers. Customers shall be timely notified of unavoidable changes. ~~Failure to meet a repair commitment does not relieve the telephone company of the credit provisions in Rule 502.01, unless the customer fails to keep an appointment the customer agreed to when the original commitment was made.~~ (3-29-10)(7-3-12)T

**502. REPAIR SERVICE STANDARDS (RULE 502).**

**01. Restoration of Service.** When a telephone company providing local exchange service is informed by a customer of a service outage as described in Rule 500.02, the telephone company must restore service within

forty-eight (48) hours after the report of the outage, except:

~~(3-29-10)~~(7-3-12)T

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~~ For outages reported on Thursday, the company must restore service no later than the following Monday by 6 p.m.; and ~~(7-1-93)~~(7-3-12)T

b. ~~Restore service within twenty-four (24) hours after the report of the outage if no emergency exists, except that outages reported between noon on Saturday and 6 p.m. on the following Sunday must be restored within forty-eight (48) hours or by 6 p.m. on the following Monday, whichever ever is sooner. If the telephone company does not restore service within the times required by this Rule the telephone company must credit the customer's account for an amount equal to the monthly rate for one (1) month of basic local exchange service.~~ For outages reported on Friday, Saturday or Sunday, the company must restore service no later than the following Tuesday by 6 p.m.

~~(7-1-93)~~(7-3-12)T

**02. Extenuating Circumstances.** Following disruption of telephone service caused by natural disaster or other causes not within the telephone company's control and affecting large groups of customers, or in conditions where the personal safety of an employee would be jeopardized, the telephone company is ~~not~~ required to ~~provide the credit referred to in Rule 502.01 as long as it~~ uses reasonable judgment and diligence to restore service, giving due regard for the needs of various customers. When a customer causes the customer's own service outage or does not make a reasonable effort to arrange a repair visit within the service restoration deadline, or when the telephone company determines that the outage is attributable to the customer's own equipment or inside wire, the telephone company is not required to ~~provide to that customer the credit referred to in~~ meet the restoration timelines of Rule 502.01.

~~(3-29-10)~~(7-3-12)T

**03. Compliance Standard.** Each month at least ninety eight percent (98%) of out-of-service trouble reports shall be cleared in accordance with Rules 502.01 and 502.02. ~~The telephone company shall keep a monthly service record as described in Rule 501.01 and shall notify the Commission if the record indicates the ninety percent (90%) level has not been met for a period of three (3) consecutive months.~~

~~(3-29-10)~~(7-3-12)T