

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 8

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PUBLIC UTILITIES; REPEALING SECTION 61-106, IDAHO CODE, RELAT-
2 ING TO THE TRANSPORTATION OF PERSONS; REPEALING SECTION 61-107, IDAHO
3 CODE, RELATING TO THE TRANSPORTATION OF PROPERTY; REPEALING SECTION
4 61-108, IDAHO CODE, RELATING TO STREET RAILROADS; REPEALING SECTION
5 61-109, IDAHO CODE, RELATING TO STREET RAILROAD CORPORATIONS; RE-
6 PEALING SECTION 61-112, IDAHO CODE, RELATING TO EXPRESS CORPORATIONS;
7 AMENDING SECTION 61-201, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE
8 PUBLIC UTILITIES COMMISSION; AMENDING SECTION 61-208, IDAHO CODE, TO
9 REVISE A PROVISION REGARDING COMMISSION OFFICE HOURS AND TO MAKE TECH-
10 NICAL CORRECTIONS; REPEALING SECTION 61-304, IDAHO CODE, RELATING TO
11 SCHEDULES OF COMMON CARRIERS; AMENDING SECTION 61-305, IDAHO CODE, TO
12 REVISE PROVISIONS REGARDING SCHEDULES OF OTHERS THAN COMMON CARRIERS;
13 AMENDING SECTION 61-307, IDAHO CODE, TO REVISE PROVISIONS REGARDING
14 CHANGES IN RATES AND SERVICES; AMENDING SECTION 61-308, IDAHO CODE,
15 TO REVISE PROVISIONS REGARDING JOINT RATES; REPEALING SECTION 61-309,
16 IDAHO CODE, RELATING TO SCHEDULES AND FILINGS BY COMMON CARRIERS AS A
17 PRECEDENT TO DO BUSINESS; REPEALING SECTION 61-310, IDAHO CODE, RELAT-
18 ING TO SCHEDULE RATES TO BE CHARGED; REPEALING SECTION 61-311, IDAHO
19 CODE, RELATING TO PASSES RESTRICTED TO CERTAIN PERSONS; REPEALING SEC-
20 TION 61-312, IDAHO CODE, RELATING TO PROPERTY HANDLED FOR FREE; AMEND-
21 ING SECTION 61-313, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHEDULE
22 CHARGES PERMITTED; AMENDING SECTION 61-314, IDAHO CODE, TO REVISE
23 PROVISIONS REGARDING SCHEDULE OF RATES WITHIN AND WITHOUT THE STATE;
24 REPEALING SECTION 61-315A, IDAHO CODE, RELATING TO CERTAIN PROHIBITED
25 INVERTED RESIDENTIAL ELECTRICAL RATE STRUCTURES; REPEALING SECTION
26 61-322, IDAHO CODE, RELATING TO LONG AND SHORT HAULS; REPEALING SEC-
27 TION 61-326, IDAHO CODE, RELATING TO STREET AND INTERURBAN RAILROADS;
28 AMENDING SECTION 61-402, IDAHO CODE, TO REVISE PROVISIONS REGARDING
29 INVENTORY OF PHYSICAL PROPERTIES; AMENDING SECTION 61-502, IDAHO CODE,
30 TO REVISE PROVISIONS REGARDING THE DETERMINATION OF RATES; AMENDING
31 SECTION 61-503, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWER TO
32 INVESTIGATE AND FIX RATES AND REGULATIONS; REPEALING SECTION 61-504,
33 IDAHO CODE, RELATING TO THE ESTABLISHMENT OF THROUGH ROUTES AND JOINT
34 RATES; AMENDING SECTION 61-506, IDAHO CODE, TO REVISE PROVISIONS RE-
35 GARDING INTERSTATE RATES; REPEALING SECTION 61-530, IDAHO CODE, RELAT-
36 ING TO CERTIFICATES OF CONVENIENCE AND NECESSITY FOR PORT DISTRICTS AND
37 INDUSTRIAL DEVELOPMENT DISTRICTS; AMENDING SECTION 61-622, IDAHO CODE,
38 TO REVISE PROVISIONS REGARDING THE FINDINGS OF THE COMMISSION NECESSARY
39 FOR AN INCREASE IN RATES AND APPROVAL OF NEW TARIFF SCHEDULES; AMENDING
40 SECTION 61-637, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE STAYS
41 OF ORDERS ON APPEAL AND BONDS; AMENDING SECTION 61-638, IDAHO CODE, TO
42 REVISE PROVISIONS REGARDING THE STAY OF ORDERS ON APPEAL FOR ACCOUNTS
43 PENDING FINAL DECISION; AMENDING SECTION 61-1003, IDAHO CODE, TO REVISE
44 PROVISIONS REGARDING CERTAIN RETURNS; AMENDING SECTION 61-1005, IDAHO
45

1 CODE, TO REVISE PROVISIONS REGARDING THE PAYMENT OF FEES; REPEALING
 2 CHAPTER 11, TITLE 61, IDAHO CODE, RELATING TO AIR CARRIERS; AMENDING
 3 SECTION 62-610F, IDAHO CODE, TO REVISE PROVISIONS REGARDING HIGH-COST
 4 SUPPORT; REPEALING SECTION 62-623, IDAHO CODE, RELATING TO SUBSIDY RE-
 5 FORMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section [61-106](#), Idaho Code, be, and the same is hereby
 8 repealed.

9 SECTION 2. That Section [61-107](#), Idaho Code, be, and the same is hereby
 10 repealed.

11 SECTION 3. That Section [61-108](#), Idaho Code, be, and the same is hereby
 12 repealed.

13 SECTION 4. That Section [61-109](#), Idaho Code, be, and the same is hereby
 14 repealed.

15 SECTION 5. That Section [61-112](#), Idaho Code, be, and the same is hereby
 16 repealed.

17 SECTION 6. That Section 61-201, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 61-201. CREATION -- APPOINTMENT AND TERM OF OFFICE OF MEMBERS OF THE
 20 IDAHO PUBLIC UTILITIES COMMISSION -- FILLING OF VACANCIES. There is hereby
 21 created a state commission to be known and designated as the Idaho public
 22 utilities commission. The commission shall be comprised of three (3) mem-
 23 bers appointed by the governor, with the approval of the senate. Not more
 24 than two (2) members of said commission shall belong to the same political
 25 party. ~~The members of the first commission after taking effect of this act~~
 26 ~~shall be appointed for terms beginning with the effective date of this act~~
 27 ~~and expiring as follows: Two (2) commissioners for a term expiring the sec-~~
 28 ~~ond Monday in January, 1953, and one (1) commissioner for a term expiring the~~
 29 ~~second Monday in January, 1955. Each of the commissioners shall hold office~~
 30 ~~until his successor is appointed and qualified. On the second Monday in Jan-~~
 31 ~~uary, 1961, the governor shall appoint one (1) commissioner for a four (4)-~~
 32 ~~year term and one (1) commissioner for a six (6) year term, and on the second~~
 33 ~~Monday in January, 1963, the governor shall appoint one (1) commissioner for~~
 34 ~~a six (6) year term. On the second Monday in January of each second year after~~
 35 ~~the year of 1963, the governor shall appoint one (1) commissioner for a six~~
 36 ~~(6) year term. Whenever a vacancy in the office of commissioner shall occur,~~
 37 ~~the governor shall forthwith appoint a qualified person to fill the same for~~
 38 ~~the unexpired term. If any appointment is made during the recess of the leg-~~
 39 ~~islature, it shall be subject to confirmation by the senate during its next~~
 40 ~~ensuing session.~~

41 SECTION 7. That Section 61-208, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

1 61-208. OFFICE AND MEETINGS. The office of the commission shall be in
 2 Ada county. The office shall ~~always~~ be open Monday through Friday, 8:00 a.m.
 3 to 5:00 p.m., legal holidays and nonjudicial days excepted. The commission
 4 shall hold its session at least once in each calendar month, and may also meet
 5 at such other times and in such other places as may be expedient and necessary
 6 for the proper performance of its duties. For the purpose of holding ses-
 7 sions in places other than the office of the commission, the commission shall
 8 have the power to rent quarters or offices, and the expense thereof and in
 9 connection therewith, shall be paid in the same manner as the other expenses
 10 authorized by this act. The sessions of the commission shall be public.

11 SECTION 8. That Section 61-304, Idaho Code, be, and the same is hereby
 12 repealed.

13 SECTION 9. That Section 61-305, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 61-305. SCHEDULES OF ~~OTHERS THAN COMMON CARRIERS~~ PUBLIC UTILI-
 16 TIES. Under such rules and regulations as the commission may prescribe,
 17 every public utility ~~other than a common carrier~~ shall file with the commis-
 18 sion within such time and in such form as the commission may designate, and
 19 shall print and keep open to public inspection schedules showing all rates,
 20 ~~tolls,~~ rentals, charges and classifications collected or enforced, or to
 21 be collected or enforced, together with all rules, regulations, contracts,
 22 privileges and facilities ~~which~~ that in any manner affect or relate to rates,
 23 ~~tolls,~~ rentals, classifications or service. The rates, ~~tolls,~~ rentals and
 24 charges shown on such schedules when filed by a public utility as to which the
 25 commission by this act acquires the power to fix any rates, ~~tolls,~~ rentals
 26 or charges, shall not, within any portion of the territory as to which the
 27 commission acquires as to such public utility such power, exceed the rates,
 28 ~~tolls,~~ rentals or charges in effect on the second day of January, 1913, ~~the.~~
 29 The rates, ~~tolls,~~ rentals and charges shown on such schedules when filed by
 30 any public utility as to any territory as to which the commission does not
 31 by this act acquire as to such public utility such power, shall not exceed
 32 the rates, ~~tolls,~~ rentals and charges in effect at the time the commission
 33 acquires as to such territory and as to such public utility, the power to fix
 34 rates, ~~tolls,~~ rentals or charges. Nothing in this section ~~contained~~ shall
 35 prevent the commission from approving or fixing the rates, ~~tolls,~~ rentals
 36 or charges, from time to time, in excess or less than those shown by said
 37 schedules.

38 SECTION 10. That Section 61-307, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 61-307. SCHEDULES -- CHANGE IN RATE AND SERVICE. Unless the commis-
 41 sion otherwise orders, no change shall be made by any public utility in any
 42 rate, ~~fare, toll,~~ rental, charge or classification, or in any rule, regu-
 43 lation or contract relating to or affecting any rate, ~~fare, toll,~~ rental,
 44 charge, classification or service, or in any privilege or facility, except
 45 after thirty (30) days' notice to the commission and to the public as herein
 46 provided. Such notice shall be given by filing with the commission and keep-

1 ing open for public inspection new schedules stating plainly the change or
 2 changes to be made in the schedule or schedules then in force, and the time
 3 when the change or changes will go into effect. The commission, for good
 4 cause shown, may allow changes without requiring the thirty (30) days' no-
 5 tice herein provided for, by an order specifying the changes so to be made
 6 and the time when they shall take effect, and the manner in which they shall
 7 be filed and published. When any change is proposed in any rate, ~~fare, toll,~~
 8 rental, charge or classification, or in any form of contract or agreement, or
 9 in any rule, regulation or contract relating to or affecting any rate, ~~fare,~~
 10 ~~toll,~~ rental, charge, classification or service, or in any privilege or fa-
 11 cility, attention shall be directed to such change on the schedule filed with
 12 the commission by some character to be designated by the commission, immedi-
 13 ately preceding or following the item.

14 SECTION 11. That Section 61-308, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 61-308. SCHEDULES -- JOINT RATES. The names of the several public
 17 utilities ~~which that~~ are parties to any joint tariff, rate, ~~fare, toll~~ con-
 18 tract, classification or charge shall be specified in the schedule or sched-
 19 ules showing the same. Unless otherwise ordered by the commission, a sched-
 20 ule showing such joint tariff, rate, ~~fare, toll,~~ contract, classification or
 21 charge need be filed with the commission by only one (1) of the parties to it:
 22 provided, that there is also filed with the commission in such form as the
 23 commission may require a concurrence in such joint tariff rate, ~~fare, toll,~~
 24 contract, classification or charge by each of the other parties thereto.

25 SECTION 12. That Section [61-309](#), Idaho Code, be, and the same is hereby
 26 repealed.

27 SECTION 13. That Section [61-310](#), Idaho Code, be, and the same is hereby
 28 repealed.

29 SECTION 14. That Section [61-311](#), Idaho Code, be, and the same is hereby
 30 repealed.

31 SECTION 15. That Section [61-312](#), Idaho Code, be, and the same is hereby
 32 repealed.

33 SECTION 16. That Section 61-313, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 61-313. SCHEDULE CHARGES ONLY PERMITTED. Except as in this act other-
 36 wise provided, no public utility shall charge, demand, collect or receive
 37 a greater or lesser or different compensation from any product or commod-
 38 ity furnished or to be furnished or for any service rendered or to be ren-
 39 dered than the rates, ~~tolls,~~ rentals and charges applicable to such product
 40 or commodity or service as specified in its schedules on file and in effect
 41 at the time, nor shall any such public utility refund or remit, directly or
 42 indirectly, in any manner or by any device, any portion of the rates, ~~tolls,~~
 43 rentals and charges so specified nor extend to any corporation or person any

1 form of contract or agreement or any rule or regulation of any facility or
2 privilege except such as are specified in such schedules and as are regularly
3 and uniformly extended to all corporations and persons: provided, that mes-
4 sages by telephone or cable, subject to the provisions of this act, may be
5 classified by the utility into day, night, repeated, unrepeated, letter,
6 commercial, press, government and such other classes of messages: provided
7 further, that nothing in this chapter shall be construed to prevent tele-
8 phone and cable companies from entering into contract with common carriers
9 for the exchange of service at rates common to all common carriers of like
10 class.

11 SECTION 17. That Section 61-314, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 61-314. SCHEDULE OF RATES WITHIN AND WITHOUT STATE. Every ~~common~~
14 ~~carrier and every~~ telephone corporation shall print and file or cause to
15 be filed with the commission, schedules showing all rates, ~~fares, tolls,~~
16 ~~rentals,~~ charges and classifications for the ~~transportation of persons or~~
17 ~~property or the~~ transmission of messages or conversations between all points
18 within this state and all points without ~~the this~~ state ~~upon on~~ its route, and
19 between all points within this state and all points without ~~the this~~ state
20 ~~upon on~~ every route leased, operated or controlled by it, and between all
21 points on its route or ~~upon on~~ any route, leased, operated or controlled by it
22 within this state and all points without ~~the this~~ state ~~upon on~~ the route of
23 any ~~other common carrier or~~ telephone corporation whenever a through route
24 and joint rate shall have been established between any two (2) such points.

25 SECTION 18. That Section [61-315A](#), Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 19. That Section [61-322](#), Idaho Code, be, and the same is hereby
28 repealed.

29 SECTION 20. That Section [61-326](#), Idaho Code, be, and the same is hereby
30 repealed.

31 SECTION 21. That Section 61-402, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 61-402. INVENTORY OF PHYSICAL PROPERTIES. (1) Every public utility,
34 except railroad corporations, shall file with the commission an inventory
35 of all its physical properties within the state, designating the exact lo-
36 cation of its property within the several counties of the state; such inven-
37 tory shall show in detail the cost of construction together with the depre-
38 ciation charges incident thereto since construction, or may show the cost of
39 replacement of such properties, if in the opinion of the commission the orig-
40 inal cost and depreciation charges cannot be obtained; provided, that in
41 the event any public utility refuses or neglects to file such inventory, or
42 the inventory so filed is inaccurate, the commission may send its agents upon
43 the ground and make an inventory as desired by the commission. The entire
44 cost of making such inventory by the agents of the commission shall be paid by

1 the public utility from its profit and loss account and shall not be charged
 2 to operating expenses, and such payment shall be made to the treasurer of the
 3 state, who shall deposit the same to the credit of the fund provided for the
 4 engineering department of said commission.

5 (2) Every public utility shall file ~~the inventory herein required~~
 6 ~~within six (6) months after the approval of this section by the governor un-~~
 7 ~~less for just cause shown the commission may extend such time and shall file~~
 8 new, amended, or supplemental inventories at such times ~~thereafter~~ as the
 9 commission may require.

10 SECTION 22. That Section 61-502, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 61-502. DETERMINATION OF RATES. Whenever the commission, after a
 13 hearing had upon its own motion or upon complaint, shall find that the rates,
 14 ~~fares, tolls, rentals, charges or classifications, or any of them, demanded,~~
 15 observed, charged or collected by any public utility for any service or
 16 product or commodity, or in connection therewith, including the rates or
 17 fares for excursions or commutation tickets, or that the rules, regulations,
 18 practices, or contracts, or any of them, affecting such rates, ~~fares, tolls,~~
 19 rentals, charges or classifications, or any of them, are unjust, unreason-
 20 able, discriminatory or preferential, or in any wise way in violation of
 21 any provision of law, or that such rates, ~~fares, tolls,~~ rentals, charges or
 22 classifications are insufficient, the commission shall determine the just,
 23 reasonable or sufficient rates, ~~fares, tolls,~~ rentals, charges, classifica-
 24 tions, rules, regulations, practices or contracts to be thereafter observed
 25 and in force and shall fix the same by order as hereinafter provided, and
 26 shall, under such rules and regulations as the commission may prescribe, fix
 27 the reasonable maximum rates to be charged for water by any public utility
 28 coming within the provisions of this act relating to the sale of water.

29 SECTION 23. That Section 61-503, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 61-503. POWER TO INVESTIGATE AND FIX RATES AND REGULATIONS. The com-
 32 mission shall have power, upon a hearing, had upon its own motion or upon
 33 complaint, to investigate a single rate, ~~fare, toll,~~ rental, charge, clas-
 34 sification, rule, regulation, contract or practice, or any number thereof,
 35 or the entire schedule or schedules of rates, ~~fares, tolls,~~ rentals,
 36 charges, classifications, rules, regulations, contracts or practices, or
 37 any thereof, of any public utility, and to establish new rates, ~~fares, tolls,~~
 38 rentals, charges, classifications, rules, regulations, contracts or prac-
 39 tices or schedule or schedules in lieu thereof.

40 SECTION 24. That Section 61-504, Idaho Code, be, and the same is hereby
 41 repealed.

42 SECTION 25. That Section 61-506, Idaho Code, be, and the same is hereby
 43 amended to read as follows:

1 61-506. INTERSTATE RATES. The commission shall have the power to in-
2 vestigate all existing or proposed interstate rates, ~~fares, tolls, rentals,~~
3 charges and classifications, and all rules and regulations and practices
4 in relation thereto, for or in relation to ~~the transportation of persons or~~
5 property or the transmission of messages or conversations, where any act in
6 relation thereto shall take place within this state; and when the same are,
7 in the opinion of the commission, excessive or discriminatory or in viola-
8 tion of the act of congress entitled "An act to regulate commerce," approved
9 February 4, 1887, and the acts amendatory thereof and supplementary thereto,
10 or of any other act of congress, or in conflict with the rulings, orders or
11 regulations of the interstate commerce commission, the commission may apply
12 by petition or otherwise to the interstate commerce commission or to any
13 court of competent jurisdiction for relief.

14 SECTION 26. That Section 61-530, Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 27. That Section 61-622, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 61-622. FINDING OF COMMISSION NECESSARY FOR INCREASE IN RATE AND AP-
19 PROVAL OF A NEW TARIFF OR SCHEDULE -- SUSPENSION. (1) No public utility shall
20 raise any existing rate, ~~fare, toll,~~ rental, or charge or so alter any exist-
21 ing classification, contract, practice, rule, service, or regulation as to
22 result in an increase in any rate, ~~fare, toll,~~ rental, or charge, under any
23 circumstances whatsoever, except upon a showing before the commission and a
24 finding by the commission that such increase is justified.

25 (2) Whenever there shall be filed with the commission any tariff or
26 schedule stating a new individual or joint rate, ~~fare, toll,~~ rental, charge,
27 classification, contract, practice, rule, service or regulation that does
28 not increase or result in the increase of any existing rate, ~~fare, toll,~~
29 rental, or charge, such tariff or schedule shall not become effective except
30 upon a showing to and a finding by the commission that such tariff or schedule
31 is justified.

32 (3) The commission shall have power and is hereby given authority to
33 suspend the proposed effective date of any new tariff, schedule, rate, ~~fare,~~
34 ~~toll,~~ rental, charge, classification, contract, practice, rule, service
35 or regulation, either upon complaint or upon its own initiative without
36 complaint, at once, and if it so orders, without answer or other formal
37 pleadings by the interested public utility or utilities. The commission
38 shall provide reasonable notice that it intends to conduct a hearing or
39 other proceeding concerning the propriety of such new tariff, schedule,
40 rate, ~~fare, toll,~~ rental, charge, classification, contract, practice, rule,
41 service or regulation. Pending the subsequent hearing or proceeding and de-
42 cision thereon, such new tariff, schedule, rate, ~~fare, toll,~~ rental, charge,
43 classification, contract, practice, rule, service or regulation shall not
44 go into effect.

45 (4) The period of suspension of such new tariff, schedule, rate, ~~fare,~~
46 ~~toll,~~ rental, charge, classification, contract, practice, rule, service or
47 regulation shall not extend beyond thirty (30) days when such new tariff,
48 schedule, rate, ~~fare, toll,~~ rental, charge, classification, contract, prac-

1 tice, rule, service or regulation would otherwise go into effect, pursuant
 2 to section 61-307, Idaho Code, unless the commission in its discretion ex-
 3 tends the period of suspension for an initial period not exceeding five (5)
 4 months, nor unless the commission after a showing of good cause on the record
 5 grants an additional sixty (60) days. Prior to the expiration of said peri-
 6 ods of suspension, the commission may, with the consent in writing signed by
 7 the party filing such new tariff or schedule, permanently or further suspend
 8 the same.

9 (5) After such hearing or other proceeding during the suspension pe-
 10 riod, the commission shall issue its order approving, denying or amending
 11 the proposed tariffs, schedules, rates, ~~fares, tolls,~~ rentals, charges,
 12 classifications, contracts, practices, rules, services or regulations in
 13 whole or in part, or others in lieu thereof, ~~which it shall find~~ it finds to be
 14 just and reasonable.

15 SECTION 28. That Section 61-637, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 61-637. STAY OF ORDER ON APPEAL -- BOND. In case the order or decision
 18 of the commission is stayed or suspended, the order of the court shall not
 19 become effective until a suspending bond shall first have been executed and
 20 filed with, and approved by the commission (or approved on review by the
 21 court), payable to the people of the state of Idaho, and sufficient in amount
 22 and security to ~~insure~~ ensure the prompt payment, by the party petitioning
 23 for the review, of all damages caused by the delay in the enforcement of the
 24 order or decision of the commission, and of all moneys ~~which that~~ any person
 25 or corporation may be compelled to pay, pending the review proceedings, for
 26 transportation, transmission, product, commodity, or service in excess of
 27 the charges fixed by the order or decision of the commission, in case said
 28 order or decision is sustained. The court, in case it stays or suspends the
 29 order or decision of the commission in any matter affecting rates, ~~fares,~~
 30 ~~tolls,~~ rentals, charges or classifications, shall also by order direct the
 31 public utility affected to pay into court, from time to time, there to be
 32 impounded until the final decision of the case or into some bank or trust
 33 company paying interest on deposits, under such conditions as the court may
 34 prescribe, all sums of money ~~which that~~ it may collect from any corporation
 35 or person in excess of the sum such corporation or person would have been com-
 36 pelled to pay if the order or decision of the commission had not been stayed
 37 or suspended.

38 SECTION 29. That Section 61-638, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 61-638. STAY OF ORDER ON APPEAL -- ACCOUNTS PENDING FINAL DECISION. In
 41 case the court stays or suspends any order or decision lowering any rate,
 42 ~~fare, toll,~~ rental, charge, or classification, the commission, upon the
 43 execution and approval of said suspending bond, shall forthwith require the
 44 public utility affected under the penalty of the immediate enforcement of
 45 the order or decision of the commission (pending the review and notwith-
 46 standing the suspending order) to keep such accounts verified by oath, as may
 47 in the judgment of the commission suffice to show the amounts being charged

1 or received by such public utility, pending the review, in excess of the
 2 charges allowed by the order or decision of the commission, together with
 3 the names and addresses of the corporations or persons to whom overcharges
 4 will be refundable in case the charges made by the public utility, pending
 5 the review, be not sustained by the court. The court may, from time to time,
 6 require said party petitioning for a review to give additional security on
 7 or to increase the said suspending bond whenever in the opinion of the court
 8 the same may be necessary to ~~insure~~ ensure the prompt payment of said damages
 9 and said overcharges. Upon the final decision by the court, all moneys ~~which~~
 10 that the public utility may have collected, pending the appeal in excess of
 11 those authorized by such final decision, together with interest in case the
 12 court ordered the deposit of such moneys in a bank or trust company, shall
 13 be promptly paid to the corporations or persons entitled thereto, in such
 14 manner and through such methods of distribution as may be prescribed by the
 15 commission. If any such moneys shall not have been claimed by the corpora-
 16 tions or persons entitled thereto within one (1) year from the final decision
 17 of the court, the commission shall cause notice to such corporation or per-
 18 son to be given by publication, once a week for two (2) successive weeks,
 19 in a newspaper of general circulation, printed and published in the city of
 20 Boise, and such other newspaper or newspapers as may be designated by the
 21 commission, said notice to state the names of the corporations or persons
 22 entitled to such moneys and the amount due each corporation or person. All
 23 moneys not claimed within three (3) months after the publication of said
 24 notice shall be paid by the public utility under the direction of the commis-
 25 sion, into the state treasury for the benefit of the general fund.

26 SECTION 30. That Section 61-1003, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 61-1003. RETURNS -- FORMS AND PREPARATION -- TIME OF FILING AND FIRST
 29 FEE PAYMENT. On or before April 1~~st~~ of each year, each public utility and
 30 railroad corporation subject to the jurisdiction of the commission, shall
 31 file with the commission a return verified by an officer or agent of the pub-
 32 lic utility or railroad corporation involved, showing its gross operating
 33 revenues from its intrastate utility or railroad business in Idaho for the
 34 preceding calendar year during which it carried on such intrastate utility
 35 or railroad business. Such return shall be in such form and detail as the
 36 commission may prescribe and shall be subject to audit by the commission.
 37 Payments shall be made as provided in section 61-1005, Idaho Code.

38 ~~The first return hereunder shall set forth the gross operating revenues~~
 39 ~~derived from intrastate utility or railroad business during the calen-~~
 40 ~~dar year 1954. The first quarter biennium installment of fees due on the~~
 41 ~~1955-1956 fiscal appropriation shall be made on or before May 15, 1955, and~~
 42 ~~semiannually thereafter as provided in section 61-1005 of this act.~~

43 SECTION 31. That Section 61-1005, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

45 61-1005. PAYMENT OF FEES -- TIME AND MANNER -- PROCEDURE ON NONPAY-
 46 MENT. On or before May 1~~st~~ of each year, the commission shall notify each
 47 public utility and railroad corporation subject to the provisions of this

1 act, by mail, of the amount of its fee for the ensuing fiscal year beginning
2 July 1~~st~~, computed as in this act provided. Such fee shall be paid to the
3 commission in equal semiannual installments on or before ~~the 15th days of~~
4 ~~November and~~ May 15 and November 15 in each fiscal calendar year. If payment
5 shall not be made on or before said respective dates, the installments so due
6 shall bear interest at the rate of six ~~per cent~~ percent (6%) per annum until
7 such time as the full amount of the installment shall have been paid. Upon
8 failure, refusal or neglect of any public utility or railroad corporation to
9 pay such fee, the attorney general shall commence an action in the name of the
10 state to collect the same.

11 SECTION 32. That Chapter 11, Title 61, Idaho Code, be, and the same is
12 hereby repealed.

13 SECTION 33. That Section 62-610F, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 62-610F. HIGH-COST SUPPORT -- ADMINISTRATION -- TRANSITION. (1) The
16 commission shall establish a universal service fund to enable eligible
17 telecommunications carriers to make universal service widely available to
18 all persons within the state of Idaho at reasonable rates. Eligible telecom-
19 munications carriers receiving financial support shall use that support
20 only for the provision, maintenance and upgrading of services and facilities
21 for which the support is intended.

22 (2) The commission shall initiate a proceeding to determine and adopt
23 the appropriate methodology and mechanisms to collect and distribute fi-
24 nancial assistance ~~which~~ that are specific, predictable and sufficient in
25 conjunction with federal universal service support mechanisms to preserve
26 and advance universal service within the state of Idaho. Revenue for the
27 fund shall be collected through a uniform universal service fund surcharge
28 as calculated by the commission. The surcharge shall be imposed on end
29 users of all retail telecommunications services originating and terminating
30 within the state of Idaho and collected by the telecommunications carrier
31 providing telecommunications services to such end user. Disbursements from
32 the fund shall be used to defray the costs, as determined by the commission,
33 of providing universal service to customers within a geographic support
34 area. Those costs shall be calculated using a forward-looking cost method-
35 ology. When providing disbursements from the fund, the commission shall
36 take such actions as may be necessary to prevent redundant cost recovery by
37 recipients of such funds, including the reduction of access charges subject
38 to title 61 or 62, Idaho Code.

39 (3) The commission shall establish procedures to administer the uni-
40 versal service fund and shall contract with a neutral third party for ad-
41 ministration of the fund. The administrator shall perform the duties re-
42 quired by the commission including data gathering, collecting the surcharge
43 revenues, disbursing funds, and notifying the commission of any fund viola-
44 tions.

45 ~~(4) The commission shall develop procedures and provide for a transi-~~
46 ~~tion period to begin no earlier than January 1, 2001, for rural telephone~~
47 ~~companies to replace funding available pursuant to section 62-610, Idaho~~

1 ~~Code, with the funding mechanism established pursuant to this section for~~
2 ~~the support of universal service.~~

3 SECTION 34. That Section [62-623](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 35. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after
7 July 1, 2025.