

Dear Senators Guthrie, Bernt, Ruchti, and
Representatives Crane, Scott, Church:

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

IDAPA 31.01.01 - Rules of Procedure of the Idaho Public Utilities Commission-Proposed Rule
(Docket No. 31-0101-2601).

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 10/09/2026. 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 11/06/2026.

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 Kondeff
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 Drafting Attorney - Alli Olson
DATE: September 22, 2026
SUBJECT: Public Utilities Commission

IDAPA 31.01.01 - Rules of Procedure of the Idaho Public Utilities Commission-Proposed Rule (Docket No. 31-0101-2601)

Summary and Stated Reasons for the Rule

The Idaho Public Utilities Commission submits notice of proposed rulemaking for the rules of procedure of the Idaho Public Utilities Commission, IDAPA 31.01.01. The PUC states that the proposed rulemaking was initiated pursuant to § 67-5292, Idaho Code, and that the proposed rule focuses on modernizing final and service requirements, aligning hearing procedures with current administrative standards, updating outdated statutory references, and removing obsolete or duplicative provisions. The PUC also states that, overall, the revisions maintain the existing structure and scope of the Commission's rules while ensuring they remain accurate, accessible, and reflective of current Commission operations.

Negotiated Rulemaking / Fiscal Impact

The PUC states that negotiated rulemaking was conducted and that notice was published in the June 3, 2026, Idaho Administrative Bulletin, Vol. 26-6, pages 22-23. The Department also states that there will not be a negative fiscal impact greater than \$10,0000 to the general fund.

Statutory Authority

The Commission appears to have the authority to promulgate this rule pursuant to Sections 56-904, 61-306, 61-501, 61-502, 61-507, 61-515, 61-538, 61-541, 61-803, 61-1306, 61-1603, 61-1703, 61-1803, 62-615, 62-622, 62-1303, and Chapters 6, Title 61, Idaho Code.

cc: Public Utilities Commission
Monica Barrios-Sanchez

*** PLEASE NOTE ***

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

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

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

31.01.01 – RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-0101-2601

NOTICE OF RULEMAKING – PROPOSED RULE

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 [56-904](#), [61-305](#), [61-306](#), [61-307](#), [61-308](#), [61-501](#), [61-502](#), [61-503](#), [61-505](#), [61-507](#), [61-508](#), [61-515](#), [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](#), [61-624](#), [61-625](#), [61-626](#), [61-803](#), [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](#), [61-1707](#), [61-1708](#), [61-1709](#), [61-1803](#), [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.

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

Tuesday, September 8, 2026 11:00 a.m. (MT)
In person: Idaho Public Utilities Commission 11331 W. Chinden Blvd., Bldg. 8, Ste 201-A Boise, ID 83714
Virtual: See Method of Participation Below

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.

METHOD OF PARTICIPATION: Those interested in participating in the Public Hearing are encouraged to attend the scheduled meeting in person. To participate online, please visit teams.live.com and click on the “Join a meeting” option on the upper left side of the page. Next, type 282 328 555 675 045 in the Meeting ID window. Then type v98Ks6Nq in the Meeting passcode window.

To participate over the phone, please call 1-208-985-2810 and enter conference number 445 048 830# when prompted.

For those who cannot participate by attending the meeting, written comments may be submitted to the Idaho Public Utilities Commission by email at secretary@puc.idaho.gov. Written comments may also be submitted using the Idaho Public Utilities Commission's Case Comment Form: <https://puc.idaho.gov/Form/CaseComment>. Case No. RUL-U-26-01.

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

In accordance with Idaho Code Section [67-5292](#), the Idaho Public Utilities Commission is reviewing IDAPA 31.01.01 to assess whether the content of the rule chapter is still necessary. The proposed rulemaking updates the Commission's Rules of Procedure to reflect current practices and modern administrative processes. It is intended to streamline and simplify the Commission's procedural rules while ensuring they remain practical, clear, and easy to

apply. The updates focus on modernizing filing and service requirements, aligning hearing procedures with current administrative standards, updating outdated statutory references, and removing obsolete or duplicative provisions. Overall, these revisions maintain the existing structure and scope of the Commission's rules while ensuring they remain accurate, accessible, and reflective of current Commission operations.

FEE SUMMARY: There are no fees associated with this rule.

FISCAL IMPACT: There is no fiscal impact due to this administrative rule.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted on June 11, 2026. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026, Idaho Administrative Bulletin, [Volume 26-6, 22-23](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Taylor Thomas at 208-401-8894. Materials pertaining to the negotiated rulemaking can be found on the Idaho Public Utilities Commission website at the following web address: <https://puc.idaho.gov/case/Details/7755>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2026.

DATED this 2nd day of September, 2026.

Monica Barrios-Sanchez, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
Boise, ID 83720-0074
(208) 334- 0323 Office
(208) 334- 4045 Fax
secretary@puc.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 31-0101-2601
(Only Those Sections With Amendments Are Shown.)

31.01.01 – RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION

SUBCHAPTER A – GENERAL PROVISIONS
(Rules 0-20)

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](#); [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 through 61-309, 61-501 through 61-505, 61-507, 61-516, 61-538, 61-541, 61-601 through 61-607, 61-610 through 61-619, 61-621 through 61-626, 61-803 through 61-806, 61-902 through 61-905, 61-909, 61-1003 through 61-1005, 61-1007, 61-1305, 61-1306, 61-1603 through 61-1607, 61-1703 through 61-1709, 62-304, 62-305, 62-424, 62-602 through 62-616A, 62-619, 62-622, 62-622A, 62-1201 through 62-1207, 62-1303, 62-1304, 63-3029I, and 67-6528, Idaho Code. 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, 61-501, 61-502, 61-503, 61-505, 61-507, 61-508, 61-515, 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, 61-624, 61-625, 61-626, 61-803, 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, 61-1707, 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.~~ (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

006. -- ~~009~~10. (RESERVED)

~~**010. THESE RULES SUPERSEDE THE ATTORNEY GENERAL'S RULES OF PROCEDURE (RULE 10).**~~

~~These rules are affirmatively promulgated to supersede the Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01.000 et seq. The Attorney General's Idaho Rules of Administrative Procedure do not apply to Commission proceedings.~~ (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

012. OFFICE – OFFICE HOURS – FAX NUMBER – MAILING, ELECTRONIC AND STREET ADDRESSES – DROP BOX (RULE 12).

The Commission's office is in Boise, Idaho. This office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The Commission's telephone number is (208) 334-0300. The hearing or speech impaired may reach the Commission through the Idaho Telecommunications Relay Service by dialing 711. The Commission has no drop box for filing documents after the close of business. (3-31-22)

01. Fax Number, Mailing and Street Addresses, and Email. The Commission's FAX number is (208) 334-3762. The Commission's mailing address is: Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074. The Commission's ~~street physical~~ address is: 11331 W. Chinden Blvd, ~~Bldg Building~~ 8, Suite 201-A, Boise, Idaho 83714. The Commission's email address is secretary@puc.idaho.gov. All documents filed in all proceedings must be filed with the Commission at one (1) of these addresses. (3-31-22)()

02. Internet Homepage. The Commission's webpage is <https://www.puc.idaho.gov>. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

014. COMMISSION SECRETARY -- COMMUNICATIONS WITH COMMISSION (RULE 14).

01. The Commission Secretary. The Commission Secretary is the custodian of the Commission's public records and is responsible for service of all orders and notices and of all complaints filed with the Commission. Unless otherwise directed by order, the Commission Secretary issues the Commission's official notices. All written

communications and documents that are intended to be part of an official Commission record (other than a hearing record) must be filed with the Commission Secretary. (3-31-22)

02. Timely Filing. Unless otherwise provided by statutes, these rules, order or notice, documents are considered filed when received by the Commission Secretary, not when mailed or otherwise transmitted. (3-31-22)

03. Case Information. Information concerning proceedings before the Commission or the status of any matter before the Commission is available ~~from the Commission Secretary or~~ on the Commission's Internet homepage. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

016. SERVICE BY COMMISSION - DESIGNATION OF AGENT (RULE 16).

The Commission Secretary serves all notices, orders, summonses, and complaints issued by the Commission or by the Secretary. (3-31-22)

01. Service of Orders and Notices. All notices and orders served by the Commission ~~may~~ will be served by email. Notices and orders may also be served by United States mail in cases designated by the Commission. Unless otherwise provided by statute, these rules, order or notice, service of orders and notices is complete when a copy, properly addressed and stamped, is either ~~deposited in the United States mail or~~ deposited in the United States mail. All orders and notices shall be affixed with the Commission Secretary's official service date on the first page. The Commission Secretary will serve all orders and notices in a proceeding on the representatives of each party designated under Rule 41 for that proceeding and upon other persons designated by these rules or by the Commission or any Commissioner. (3-31-22)()

02. Service of Summonses and Complaints. The Commission Secretary will serve complaints against utilities upon the person designated for that purpose by the utility. Summonses and complaints directed to regulated utilities or other persons shall be served by registered or certified mail. Writs of summons or subpoena and warrants of attachments directed to all other persons must be served by a person authorized to serve process by statute or by the Idaho Rules of Civil Procedure. (3-31-22)

03. Designation of Agent for Service. All utilities shall designate a person as their agent to be served with summons and complaints. Utilities shall be responsible for maintaining on file with the Commission Secretary the current name, mailing address and e-mail address of the person designated as the agent to receive service. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

018. PAYMENT OF FEES AND REMITTANCES (RULE 18).

01. Payments. Fees and remittances to the Commission must be paid by money order, bank draft or check payable to "Idaho Public Utilities Commission." Remittances in currency or coin are wholly at the remitter's risk, and the Commission assumes no responsibility for their loss. The State of Idaho has required all tax payments of one hundred thousand dollars (\$100,000) or more to be paid by electronic funds transfer, or EFT (Idaho Code §67-2026). (3-31-22)()

02. Annual Regulatory Fees. Utilities and railroads shall pay their annual special regulatory fees as required by Chapter 10, Title 61 and Section 62-611, Idaho Code. Utilities and railroads that fail to pay their special regulatory fees and, are no longer conducting business in Idaho, may be administratively removed from the list of utilities and railroads subject to the annual regulatory fee. (3-31-22)

019. INCORPORATED BY REFERENCE -- IDAHO BAR COMMISSION RULE (RULE 19).

Rule 43 incorporates by reference Idaho Bar Commission Rule 227 (Pro Hac Vice Admission). Bar Rule 227 is

promulgated by the Idaho State Bar and adopted by order of the Idaho Supreme Court. Bar Rule 227 may be obtained from the Idaho State Bar, PO Box 895, Boise, ID 83701, or online at <http://www.isb.idaho.gov> <https://isb.idaho.gov>.
(3-31-22)()

020. DISCONTINUANCE OF TELECOMMUNICATIONS SERVICE (RULE 20).

A telephone corporation that intends to discontinue service in Idaho shall file a notice with the Commission at least ~~ninety~~ forty-five (45) days in before the date that it intends to cease operations. The telephone corporation proposing to discontinue basic local exchange or message telecommunications services shall also publish a notice, at least forty-five (45) days before the date that it intends to cease operations, of such discontinuance ~~in a legal newspaper circulated in its~~ to all customers and other local exchange providers in its local exchange service area under Section 62-612, Idaho Code. The telephone corporation customers and other local exchange providers in that service area must receive the notice prior to the day of the telephone's corporation notice to the Commission. If the telephone corporation held any customer deposits or advance payments, the telephone corporation shall indicate in the notice how the deposits are to be returned to customers. See also IDAPA 31.41.01, "Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission." ~~Section 312.~~
(3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

039. PERSONS -- PERSONS NOT PARTIES -- INTERESTED PERSONS -- PUBLIC INVOLVEMENT (RULE 39).

01. Persons and Person Not Parties. The term "person" includes natural persons, partnerships, corporations, associations, municipalities, government entities and subdivisions, and any other entity authorized by law to participate in administrative proceedings. Persons other than the persons named in Rules 32 through 37 are not parties for the purpose of any statute or rule addressing rights or obligations of parties. (3-31-22)

02. Interested Persons. For purposes of the Commission Secretary's service of notice under Rules 113, 123, and 202 interested persons are: (1) municipalities, counties, and chambers of commerce in the area affected by a proceeding and (2) persons who were parties to any similar proceeding involving the same utility or railroad in the preceding three (3) years. This rule does not define interested persons for purposes of Section 61-626, Idaho Code. (3-31-22)

03. Public Involvement. Persons may subscribe to the Commission's ~~Rich Site Summary (RSS) feed~~ notification system on the Commission home page at www.puc.idaho.gov to receive periodic updates about filings in certain groups of cases, in individual cases, or the issuance of press releases, orders and notices. Subscription to general information will be available at the home page at "Keep Me Updated" and case specific subscription will be available at each case summary page. The Commission's home page also links to other utility or Commission topics.
(3-31-22)()

040. (RESERVED)

REPRESENTATIVES OF PARTIES
(Rules 41-50)

041. INITIAL PLEADING BY PARTY -- LISTING OF REPRESENTATIVES (RULE 41).

01. Designation of Representative Required. The initial pleading of each party to a proceeding (be it an application, petition, complaint, motion, or answer) must name the party's representative(s) for service and state each representative's mailing and electronic (if available) address for purposes of receipt of all official documents. Service of documents on the named representative(s) is valid service upon the party for all purposes in that proceeding. If no person is explicitly named as a party's representative, the person signing the pleading will be considered the party's representative if the person meets the requirement of Rule 43. (3-31-22)

~~**02. Number of Representatives.** No more than two (2) persons may be designated as a party's~~

~~representatives for purposes of service or receipt of official documents unless otherwise authorized by order. The Commission may condition such an order upon reasonable terms concerning payment of copying costs and mailing costs to additional representatives.~~ (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

061. FILING DOCUMENTS WITH THE COMMISSION -- NUMBER OF COPIES -- DISCOVERY -- ELECTRONIC FILING (RULE 61).

The following numbers of documents shall be filed with the Commission Secretary: (3-31-22)

01. Printed Filings. When filing printed material: (3-31-22)

a. In utilities cases (other than those cases specified in Subsections 061.01.b. and 061.01.c. of this rule): (3-31-22)

i. Pleadings (applications, petitions, complaints, motions, answers and consent agreements)--an original (unbound and unstapled) and ~~seven~~ three (3) copies. (3-31-22)()

ii. Briefs, proposed orders, statements of position, and exceptions under Rule 312--an original (unbound and unstapled) and ~~seven~~ three (3) copies. (3-31-22)()

iii. Prepared testimony and exhibits--nine (9) copies (one (1) copy designated as reporter's copy) plus ~~CD-ROM~~ portable storage device as required by Rule 231.05. (3-31-22)()

b. Security issuance cases: (3-31-22)

i. Pleadings--an original (unbound and unstapled) and ~~four~~ three (3) copies. (3-31-22)()

ii. Other documents except for discovery-related documents -- three (3) copies. (3-31-22)

c. Telecommunication interconnection agreements: (3-31-22)

i. Pleadings--an original (unbound and unstapled) and three (3) copies. (3-31-22)

ii. All other documents -- two (2) copies. (3-31-22)

02. Filing Discovery. Discovery-related documents shall be filed in ~~printed or~~ electronic format. (3-31-22)()

~~**a.** If printed filing -- three (3) copies to the Commission Secretary.~~ (3-31-22)

03. Electronic Filings. Subject to Rules 61.04, all filings may be filed electronically with the Commission Secretary as an attachment to an e-mail ~~or on a CD-ROM~~, or on a portable storage device, through a shared file transfer, or filed through Commission's electronic filing system. The electronic document shall be in a computer searchable form of Adobe Acrobat (PDF) without password protection. (3-31-22)()

04. Commission Secretary's Authority to Require Printed Filings. The Commission Secretary is authorized to require an electronic filing be also filed in printed form. The Commission Secretary may specify the number of printed copies. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

063. SERVICE ON PARTIES AND OTHER PERSONS (RULE 63).

01. Generally. All documents referred to in Rule 61 (except as noted below) must be served upon the representatives of every party of record concurrently with filing with the Commission Secretary. When a document has been filed with the Commission Secretary by email, it must be served upon all other parties or by email. ~~For parties without email capability, service shall be made by overnight mail, hand delivery, or the next best available service if these services are not available.~~ The Commission may direct that some or all of these documents be served on interested or affected persons who are not parties. The Commission Secretary's notice of parties (and revisions to it) will list all persons whom the parties must serve and their representatives as of the date of the notice or its revision. (3-31-22)()

02. Service of Discovery. The service of discovery documents on parties shall be accomplished by email (as attachments to email). ~~For parties without email capability, service shall be made by overnight mail, hand delivery, or the next best available service if these services are not available.~~ See Rule 229. (3-31-22)()

064. PROOF OF SERVICE (RULE 64).

Every document that is filed with the Commission and intended to be part of the record for decision must be attached to or accompanied by proof of service by the following or similar certificate: (3-31-22)

I HEREBY CERTIFY (swear or affirm) that I have this day of, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy of it in person: (list names)) (by mailing a copy of it, properly addressed with postage prepaid, to: (list names)), (by emailing a copy of it (list emails)), (by submitting through the Commission online filing submission portal).

(Signature)

Each certificate of service must list the names and addresses of each person served. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

067. INFORMATION EXEMPT FROM PUBLIC REVIEW -- DEFINITIONS -- FORM -- PROCEDURES (RULE 67).

01. Definitions. (3-31-22)

a. "Trade secrets" filed with the Commission are exempt from public inspection, examination, and copying under Section 74-107(1), Idaho Code. Trade secrets means information, including a formula, pattern, compilation, program, computer program, device, method, technique, process, or unpublished or in progress research that: (3-31-22)

i. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (3-31-22)

ii. Is the subject of reasonable efforts to maintain its secrecy. (3-31-22)

b. "Confidential information" means information, documents, or records filed with the Commission that are specifically exempt from public inspection, examination and copying under Sections 74-104 through 74-109, Idaho Code. (3-31-22)

02. Form. In addition to the requirements of Rule 62 (except Subsection 062.01.a.), information that is alleged to be trade secrets, confidential or otherwise exempt from public disclosure shall be served upon the Commission and other parties who have entered into a protective agreement under Subsection 067.04 in either printed or electronic format. (3-31-22)

a. If in printed form, the page(s) containing the trade secret or confidential information shall be

reproduced on yellow paper. Each page shall be marked as "TRADE SECRETS" or "CONFIDENTIAL." See Rule 61 for the number of printed copies. (3-31-22)

b. If in electronic form, the trade secret or confidential information shall be reproduced separately on a CD-ROM or other electronic storage format approved by the Commission Secretary; and not included with other material electronically filed. Each CD-ROM or other storage device containing trade secret or confidential information shall be clearly identified with the case caption, case number, title of document and marked as "TRADE SECRETS" or "CONFIDENTIAL." (3-31-22)

03. Procedure. Whenever a party believes that information contained in pleadings or other documents are trade secrets, confidential or otherwise exempt from public disclosure, the attorney of such party designated by Rule 41 must state in writing that the information is protected by law from public inspection, examination or copying, citing the specific grounds and legal authority for that assertion. ~~Documents containing trade secrets or confidential information shall be separated from documents not containing trade secrets or confidential information. Trade secrets or confidential information contained in documents will be removed and replaced with a page marked: "This page allegedly contains trade secrets or confidential material and is separately filed."~~ All materials for which no assertion of protection from public inspection, examination and copying is made will be placed in files available for public inspection. Trade secrets, confidential information and other records exempt from public inspection shall be separately stored in a secured location with limited access and safeguarded from unauthorized disclosure. (3-31-22)()

a. Documents containing trade secrets or confidential information shall be separated from documents not containing trade secrets or confidential information. Trade secrets or confidential information contained in documents will be removed and replaced with a page marked: "This page allegedly contains trade secrets or confidential material and is separately filed." ()

04. Protective Agreements. In proceedings before the Commission involving trade secrets or other confidential information, parties may enter into protective agreements to facilitate and safeguard the exchange of necessary information. Protective agreements may include procedures for copying, exchanging, serving, safeguarding, or challenging the characterization of trade secrets or confidential information. The Commission shall not be a party and will not be bound by the terms of a protective agreement. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

076. PUBLIC WITNESSES (RULE 76).

"Public witnesses" are persons not parties and not called by a party to testify at a hearing. Public witnesses do not have parties' rights to examine witnesses or otherwise participate in the proceedings. Subject to Rules 249 and 251, public witnesses have a right to introduce evidence at hearing by their written or oral statements and exhibits introduced at hearing, except that public witnesses offering expert opinions at hearing or detailed analysis or detailed exhibits must comply with Rule 231 with regard to filing and service of testimony and exhibits to the same extent as witnesses of parties. Public witnesses' written or oral statements and exhibits are subject to examination and objection. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

114. APPLICATION FOR NEW COMPETITIVE LOCAL EXCHANGE CARRIER (CLEC) – FORM AND CONTENT (RULE 114).

The Commission issues Certificates of Public Convenience and Necessity to competitive local exchange carriers (CLECs) seeking to provide local exchange services in Idaho. The Commission uses certification to register and review applications to provide local telecommunications services. See Commission Order No. 26665. In accordance with Commission Order No. 32277, telecommunications companies that do not intend to provide basic local exchange service, but request Commission registration, are excluded from the requirements of Subsections 02, 03, and 04 of this rule. Each CLEC application shall include the following information: (3-31-22)()

- 01. Name, Address and Form of Business.** (3-31-22)
- a.** If the applicant is a sole proprietor, the applicant's personal name and any assumed business name and business address (street and mailing) and email address (if available). (3-31-22)
- b.** If the applicant is a partnership: (3-31-22)
- i.** Provide a list of the partners' names, and business addresses (street and mailing) of all the partners, and email addresses (if available); and (3-31-22)
- ii.** The partnership's business name (including any assumed business name). (3-31-22)
- c.** If the applicant is a corporation or limited liability company (LLC): (3-31-22)
- i.** A short statement of the character of public service in which the entity is engaged; (3-31-22)
- ii.** The entity's name (including any assumed business name) and the state in which it is incorporated or organized; (3-31-22)
- iii.** The street and mailing addresses of the entity's principal office and of its principal office in Idaho, and email address (if available); (3-31-22)
- iv.** A certified copy of the entity's articles of incorporation or certificate of organization if an LLC; (3-31-22)
- v.** The names, titles, and addresses of the entity's officers and directors if the entity is a corporation, or of at least one (1) governor if the entity is an LLC (i.e. a manager of a manager-managed LLC or a member of a member-managed LLC); (3-31-22)
- vi.** The names and addresses of subsidiaries the entity owns or controls; (3-31-22)
- vii.** If not incorporated or organized in Idaho, a certificate of authority from the Idaho Secretary of State, a certificate of good standing issued by the secretary of state in the state the entity is incorporated or organized, and the name and street address of the entity's registered agent for service in Idaho; and (3-31-22)
- viii.** The name and address of any corporation, association, or similar organization holding a five percent (5%) or greater ownership interest or a managerial interest in it, and the amount and nature of the ownership interest, and nature of the management interest. Include a copy of any management agreement with the application. (3-31-22)
- 02. Services and Territory.** (3-31-22)
- a.** A description of customer classes and customer services that the applicant proposes to offer to the public. The application shall indicate the date on which the applicant proposes to begin construction or anticipates it will begin to provide service in Idaho. (3-31-22)
- b.** A description sufficient to determine whether service is to be offered in a particular location and the names of incumbent local exchange corporations (ILECs) with whom the proposed utility is likely to compete. The application shall also describe the intended manner of service, e.g., resold services or facilities-based services; and a general description of the property owned or controlled by applicant. (3-31-22)
- c.** A reasonably sized and detailed map showing where the applicant proposes to provide service including exchanges (if different from existing exchanges), rural zones, and local calling areas. If the service area is identical to an incumbent LEC's service area, then applicant may refer to the incumbent's service area. (3-31-22)
- 03. Financial Information.** (3-31-22)

a. The current detailed balance sheets, including detailed income and profit and loss statements of applicant reflecting current and prior year balance for the twelve (12) months ending as of the date of the balance sheet, or if not readily available, for the period since the close of the preceding calendar year. If a balance sheet and income statement are not available, the applicant shall submit financial data sufficient to establish it possesses adequate financial resources to provide the proposed services. (3-31-22)

b. The latest annual report, if any. (3-31-22)

04. Tariffs and Price Lists. Proposed initial tariffs or price sheets setting forth rates, rules, terms, and regulations applicable to the contemplated service. Initial tariffs and price lists filings shall be in an electronic form as well as paper. The tariffs and price lists in electronic format will be in computer searchable Adobe Acrobat (PDF), or submitted on a CD-ROM or other format as prescribed by the Commission Secretary. (3-31-22)

05. Tariff and Customer Contact. The name, address, and telephone number for those persons responsible for tariff and price list questions, as well as customer complaints and inquiries. The application shall state the toll-free telephone number for customer inquiries and complaints. (3-31-22)

06. Interconnection Agreements. Whether the applicant has initiated interconnection negotiations and, if so, when and with whom. Include copies of any interconnection contracts which have been completed for the provision of telecommunication services. (3-31-22)

07. Compliance with Commission Rules. A written statement that the applicant has reviewed the Commission's rules and will comply, or request for waiver of those rules believed to be inapplicable, or both. (3-31-22)

08. Conservation of Telephone Numbers. An acknowledgment that non-paging telecommunications carriers with telephone numbering resources in Idaho shall be subject to numbering conservation measures including mandatory one thousand (1,000) block pooling. See Commission Order No. 30425. All CLECs shall evaluate their numbering resources and donate to the numbering resource pool unused one thousand (1,000) number blocks and one thousand (1,000) number blocks that have fewer than ten percent (10%) of the telephone numbers assigned. Applicable carriers shall also file the necessary utilization reports with NeuStar and semi-annual report their number resource utilization/forecast (NRUF) data at the one thousand (1,000) block level for each rate center within their service territory. The Federal Communications Commission has appointed NeuStar to manage the assignment and conservation of telephone area codes and telephone numbers in North America. (3-31-22)

115. -- 120. (RESERVED)

APPLICATIONS TO CHANGE RATES OR RULES **(Rules 121-130)**

121. FORM AND CONTENTS OF APPLICATION TO CHANGE RATES (RULE 121).

01. Utility Applications to Change Rates. Applications by any public utility to change any rate, fare, ~~toll~~, rental or charge or any classification, contract, practice, rule or regulation resulting in any such increase, decrease or change must include the following data: (3-31-22)()

a. An exhibit fully showing each proposed change in rates, ~~tolls~~, rentals, charges, rules or regulation by striking over proposed deletions to existing tariffs and underlining proposed additions or amendments to existing tariffs, except applications to increase or decrease all or almost all rates and charges by a uniform percentage or by a uniform amount may be made by filing a tariff listing the proposed change and all unchanged rates and charges or rates and charges not changed by a uniform percentage or a uniform amount, or by using another designation previously approved by the Commission that clearly calls attention to all proposed changes in numbers or wording. (3-31-22)()

b. A complete justification of the proposed increase in the form of testimony and exhibits or a narrative exposition. (3-31-22)

- c. A statement showing how and when the application has been or will be brought to the attention of affected customers and a copy of the press release and customer notice required by Rule 125. (3-31-22)
- d. A statement that the applicant stands ready for immediate consideration of the application. (3-31-22)
- e. Testimony and exhibits showing financial statements, cost of capital and appropriate cost of service studies. (3-31-22)
- f. Workpapers or documentation showing how test year data were adjusted. (3-31-22)
- g. If the applicant provides utility service in states besides Idaho or that is subject to federal regulation, a jurisdictional separation of all investments, revenues and expenses allocated or assigned in whole or in part to Idaho intrastate utility business regulated by this Commission showing allocations or assignments to Idaho. (3-31-22)

02. Proposals Based upon Computer Modeling. In addition, in any application in which a computer model is used to represent or simulate processes from which the revenue requirement is derived or upon which allocations of the revenue requirement to different customer classes are based, complete documentation of all those computer models must be supplied to the Staff, upon request, and be available in the utility's office or other depository. The Staff may request that the computer model itself be provided. A computer model includes the representation or simulation of a process, but does not mean or include the compilation of actual data. The application must state that (a) the models' documentation on file in the applicant's office or another depository fully describes the models or (b) necessary updates or additions to prior documentation that will fully describe the models is on file and will be supplied on request. (3-31-22)

03. Grounds for Returning or Dismissing Application. Failure to comply with Rule 121.01 and 121.02 is grounds to return or dismiss an application under Rule 65. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

123. PROPOSED CHANGES TO RATES OR RULES -- EFFECTIVE DATE -- NOTICE OF APPLICATION -- SUSPENSION (RULE 123).

01. Statutory Notice of Rate Changes. If a public utility applies to change any rate, fare, ~~toll~~, rental, charge or classification, or any rule, regulation, or contract relating to or affecting any rate, fare, ~~toll~~, rental, charge, classification, or service, or in any privilege or facility, on fewer than thirty (30) days after the application is filed, the proposed effective date is delayed until thirty (30) days after the application is filed by operation of Section 61-307, Idaho Code, unless the Commission approves an earlier effective date for good cause shown. Absent an order approving or suspending any or all of the proposed changes, the changes not suspended or approved take effect thirty (30) days after filing or on their proposed effective date, whichever is later. If no effective date is proposed for the changes, the changes do not take effect until approved by order. (3-31-22)()

02. Notice of Application. Within twenty-one (21) days of the date of any application to change any rate, fare, ~~toll~~, charge, or classification, or any rule, regulation or contract relating to or affecting any rate, fare, ~~toll~~, rental, charge, classification, or service, or in any privilege or facility, the Commission Secretary should issue a notice of application to all interested persons (see Rule 39.02), unless notice is issued under modified procedure or the application is earlier approved or described by order. (3-31-22)()

03. Suspension of Proposed Rate Changes. At any time before proposed changes take effect under Sections 61-307, Idaho Code and Rule 123.01 of this rule, the Commission may suspend the effectiveness of the changes under Sections 61-622, Idaho Code. Whenever the Commission suspends proposed changes for less than the maximum period of suspension allowed by statute, it may extend the period of the suspension to the statutory maximum consistent with the statutory standards. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

125. NOTICES TO CUSTOMERS OF PROPOSED CHANGES IN RATES (RULE 125).

01. Contents of Customer Notice. A public utility must notify its customers whenever it requests to change rates. (3-31-22)

a. If a utility requests a rate increase, the customer notice must briefly explain the utility's need for additional revenue and the dollar amount requested, and give the proposed overall percentage change from current rates as well as the proposed percentage increase in revenue for each major customer class. (3-31-22)

b. If the utility requests a rate decrease, customer notice must briefly explain the reason for the decrease, the overall dollar amount of the proposed decrease, and the proposed percentage decrease for each major customer class. (3-31-22)

c. The customer notice must clarify that the application is a proposal, subject to public review and a Commission decision. It shall also inform customers that a copy of the utility's application is available for public review at the offices of both the Commission ~~and the utility~~, and on the Commission's ~~homepage~~ website at www.puc.idaho.gov. (3-31-22)()

d. The customer notice shall inform customers that they may file written comments about the utility's application with the Commission. It shall also inform customers that they may subscribe to the Commission's ~~RSS feed~~ notification system (Subsection 039.03) for periodic updates via email. (3-31-22)()

02. Timing of Notice for Trackers or Annual Cost Adjustments. Tracker adjustment prompted by federal action that result in rate change may be brought to customers' attention in compliance with this rule after approval by the Commission. Other tracker or annual cost adjustment cases that result in a rate increase remain subject to this rule's advance notice requirements. Other tracker or annual cost adjustment cases that result in a rate decrease in rates may be brought to customers' attention in compliance with this rule after being approved by the Commission. (3-31-22)

03. Timely Distribution of Customer Notices. The customer notices referenced in Subsection 125.01 may be mailed separately to customers or included in the customer's regular bill as a bill stuffer. At the customer's option, the customer notice may be provided electronically. The information required by this rule must be clearly identified, easily understood, and pertain to the proposed rate change. The utility must start distributing customer notices when it files its application or as soon as possible thereafter. (3-31-22)

04. Press Release. In instances covered by Subsection 125.01, the utility shall also send a press release with at least the same information presented in the customer notices to all newspapers, radio, and television stations listed on the Commission's news organization list for that utility. The press releases shall be mailed or delivered simultaneously with filing of the application. (3-31-22)

05. Purposes and Effects of This Rule. Subsections 125.01 through 125.04 are intended to encourage wide dissemination to customers of information concerning proposed rate changes. These subsections do not expand, contract, or otherwise modify customers notice and due process rights under the Public Utilities Law and the Commission's Rules of Procedure, IDAPA 31.01.01. Accordingly, Subsections 125.01 through 125.05 create no due process or procedural rights for any customer that would give rise to a due process or other procedural claim cognizable by the Commission. A public utility's failure to comply with Subsections 125.01 through 125.05 of this rule can be grounds for returning an application for incompleteness. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

127. PUBLIC WORKSHOPS ON APPLICATIONS TO INCREASE RATES (RULE 127).

01. **Public Workshop.** When a public utility applies to increase any rate, fare, toll, rental or charge regarding any classification or service, the Commission will determine if the staff should conduct a public workshop. The workshop's purpose is for the staff to dispense information concerning the utility's application and to receive written or oral comments from the public before the staff files testimony or comments. (3-31-22)

02. **Notice and Location of Workshop.** Notice of the public workshop should be disseminated at least seven (7) days before the workshop to newspapers of general circulation and radio and television stations in the affected area. The Commission shall determine the location for the workshop. A workshop may be held in-person or telephonically. The notice shall also be posted on the Commission's website. (3-31-22)

~~03. **Exemptions.** Subsection 127.01 shall not apply to applications regarding uniform statewide surcharges under Sections 56-904, 62-610 and 62-610F, Idaho Code, or to utility tariff advices. (3-31-22)~~

128. -- 130. (RESERVED)

TARIFF SCHEDULES
(Rules 131-140)

131. FORM OF TARIFFS (RULE 131).

Utility tariff schedules must state "Idaho Public Utilities Commission" on their title page. A blank space ~~about~~ three by one and one-half inches (3" x 1-1/2") must be provided for the Commission's stamp of approval in the upper right or lower right corner of each schedule. (3-31-22)()

132. NUMBER OF TARIFF COPIES FILED (RULE 132).

The ~~Commission encourages~~ public utilities ~~to~~ shall file their tariff schedules via electronic mail. (3-31-22)()

01. **Electronic Tariffs.** ~~For electronically filed tariffs, e~~ Each utility shall submit its tariff schedules prepared in searchable Adobe Acrobat in portable document format (PDF) as an attachment to an e-mail, to the Commission Secretary at secretary@puc.idaho.gov. Electronic tariff schedules may also be submitted as PDF documents on ~~CD-ROM or~~ other electronic storage format approved by the Commission Secretary. (3-31-22)()

~~02. **Printed Tariffs.** To file printed tariffs, each utility shall file an original and two (2) copies of their tariff schedules with the Commission Secretary. (3-31-22)~~

~~03. **Approval.** The Commission will stamp its approval on each copy of an the approved tariff, placing the original a copy in its files and returning one (1) copy emailing a PDF to the public utility. (3-31-22)()~~

(BREAK IN CONTINUITY OF SECTIONS)

141. FORM AND CONTENTS OF APPLICATION TO ISSUE SECURITIES (RULE 141).

Except as provided in Rule 142, 147 or Section 61-909, Idaho Code, any utility applying to issue securities under Sections 61-901 through 61-904, Idaho Code, must submit an application with the following information: (3-31-22)

01. **Description.** A general description of the applicant's field of operations. (3-31-22)
02. **A Full Description of the Securities.** Including the proposed: (3-31-22)
 - a. Amount; (3-31-22)
 - b. Interest or dividend rates; (3-31-22)
 - c. Date of issue (or statement that the securities will be a shelf registration); (3-31-22)

- d. Date of maturity; (3-31-22)
- e. Voting privileges; (3-31-22)
- f. Call or redemption provisions; and (3-31-22)
- g. Sinking fund or other provisions for securing payment. (3-31-22)
- 03. A Statement of the Proposed.** (3-31-22)
 - a. Method of marketing; (3-31-22)
 - b. Terms of sale; (3-31-22)
 - c. Underwriting discounts or commissions; (3-31-22)
 - d. Sale price; and (3-31-22)
 - e. Net proceeds to the applicant, including itemized statements of all fees and expenses (estimated if not known) to be paid in connection with the proposed transaction. (3-31-22)
- 04. A Statement of the Purposes.** Statement of the purposes for which the proceeds from the securities will be used, including: (3-31-22)
 - a. A description of the property to be acquired or constructed and a statement of its cost or value (estimated if not known); (3-31-22)
 - or b. A description of obligations to be refunded or expenditures for which reimbursement is intended; (3-31-22)
 - c. Other information advising the Commission of the nature and purposes of the proposed transaction. (3-31-22)
- 05. Statement of Explanation.** A statement explaining why the proposed transaction is consistent with the public interest and necessary or appropriate for or consistent with the applicant's proper performance of service as a public utility. (3-31-22)
- 06. Financial Statement.** A financial statement showing the authorized and outstanding classes of the applicant's securities and certified copies of the resolutions of stockholders or directors authorizing the proposed transaction and other instruments relating to the transaction. (3-31-22)
- ~~**07. Proposed Order.** A proposed order granting the application, captioned proposed order of applicant, suitable for adoption by reference if the application is granted. (3-31-22)~~
- 08. Statement of Public Notice Application.** A statement that notice of the application has been published in those newspapers in general circulation in the applicant's service area in Idaho or nearest applicant's service area in Idaho or will be published within seven (7) days of the application. These newspapers are: the Coeur d'Alene Press (Coeur d'Alene), the Idaho Business Review (Boise), the Idaho State Journal (Pocatello), the Idaho Statesman (Boise), the Lewiston Morning Tribune (Lewiston), the Post Register (Idaho Falls), the Preston Citizen (Preston), the Bonner County Daily Bee (Sandpoint), and the Times News (Twin Falls). The Commission may require the applicant to furnish further necessary information. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

151. TIMETABLE FOR DECISION -- CABLE POLE ATTACHMENT PROCEEDINGS (RULE 151).

Whenever a public utility, ~~as defined in Section 61-538, Idaho Code,~~ and a provider of a telecommunications service or broadband or a cable-television service company, as defined in Section 61-538, Idaho Code, are unable to agree upon the rates, terms, or conditions for pole attachments or the terms, conditions, or cost of production of space needed for pole attachments, and either the public utility or the cable television company files an application, complaint, or petition asking the Commission to establish and regulate rates, terms, or conditions, the Commission shall decide the case within ~~thirty ninety (3090)~~ days; provided, the Commission shall have the right, upon reasonable notice, to enter upon a hearing concerning the propriety of such proposed rate, term, or condition and to extend its period for considering the application, complaint, or petition an additional thirty (30) days plus five (5) months and, for good cause shown on the record, an additional sixty (60) days. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

203. COMMENTS (RULE 203).

Any person affected by the moving party's proposal may file a written ~~protest submission opposing,~~ supporting, or otherwise commenting on the proposal. Comments must state and explain the person's position on the proposal. Persons desiring a hearing must specifically request a hearing in their written comments and explain why written comments alone are insufficient. A copy of the person's comment must be served on the moving party's representative. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

228. ANSWERS TO PRODUCTION REQUESTS OR WRITTEN INTERROGATORIES AND TO REQUESTS FOR ADMISSION (RULE 228).

01. When Answers Not Filed. Answers to production requests or written interrogatories and to requests for admission need not be filed and served in the following circumstances: (3-31-22)

a. Voluminous answers may be filed in a depository designated and agreed to by the parties or designated by the Commission, and an explanation notifying the parties of the availability of the answers at the depository must be filed and served in their stead. (3-31-22)

b. Answers involving data compiled by computer may be transmitted in computer-readable form (e.g., by disk or other mutually agreed means) to the party requesting them and to all other parties requesting them in similar computer-readable forms and an explanation notifying the parties of their distribution must be filed and served in their stead. (3-31-22)

02. Filing of Answers. Except as provided in Rule 228.01, answers to production requests or written interrogatories and to requests for admission must restate in full each question asked, then state in full the party's response to the question and the persons who will be able to answer questions about or sponsor the answer at hearing. Answers to production requests or interrogatories need not be separately answered under oath by each person preparing the party's response to the question or each witness who will be able to answer questions about or sponsor the answer, but instead can be generally subscribed by the party's representative. ~~The restatement of the question and its accompanying answer must begin on a new page whenever the preceding answer refers to other documents or whenever the preceding question in the particular production request or written interrogatory is not answered in full in that document.~~ (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

231. PREPARED TESTIMONY AND EXHIBITS (RULE 231).

01. Prepared Testimony May Be Required. Order, notice or rule may require a party or parties to

submit prepared testimony and exhibits to be presented at hearing. (3-31-22)

02. Format for Prepared Testimony. (3-31-22)

a. Prepared testimony and exhibits must be accompanied by a cover sheet showing the case caption and case title, the person testifying, the party for whom the testimony is offered, and the nature of the testimony (direct, rebuttal, etc.). (3-31-22)

b. The first page of prepared testimony should contain testimony only (i.e., it should begin with the first question to the witness and not repeat the information on the cover page). (3-31-22)

c. Prepared testimony must be submitted on white eight and one-half by eleven inch (8-1/2" x 11") paper, be double-spaced (except for quoted material and tables or other collections of numerical data), and ~~contain no more than ten (10) characters per inch and no less than twenty five (25) lines of double spaced testimony or more than thirty (30) lines per page~~ the font style must be Times New Roman or Courier New size eleven (11) or twelve (12.) Each page may be printed on the front and back (duplexed). (3-31-22)()

d. Each line of prepared testimony must be numbered at the left margin (except single-spaced quotations or tables of numerical data, which may be numbered at the left margin as though they were double-spaced). Each page of testimony must have a one and one-half (1-1/2) inch left margin that will allow the page to be bound on its left side without obscuring the printed material. Indentations for paragraphing and for "Q" and "A" must be seven (7) spaces. (3-31-22)

e. Each page of prepared testimony must be numbered at the lower right corner and must be blank in the center of the bottom margin to allow the reporter to insert transcript page numbers there. Each page of prepared testimony must have at least a one-inch (1") top and bottom margin. (3-31-22)

f. Each page of prepared testimony must contain the witness's surname followed by the designation "Di" (signifying direct testimony) or "Di-Reb" (signifying direct testimony on rebuttal) and the name of the party sponsoring the testimony printed in the lower right margin. For example, the marginal notation on page 5 of the testimony of the witness Lynn Accountant of ABC Company would be:

5	or	Accountant, Di 5
Accountant, Di		ABC Company
ABC Company		

(3-31-22)

03. References to Exhibits. All references to exhibits in prepared testimony must refer to the exhibits by their number as assigned by the Commission Secretary. Exhibits accompanying prepared testimony must be consecutively numbered from the first exhibit number assigned to the party by the Commission Secretary if the party has not previously identified exhibits, or from the highest exhibit number previously identified by that party. Exhibits must be filed on eight and one-half by eleven inch (8-1/2" x 11") paper unless it is impractical to make them that size. Exhibits accompanying prepared testimony must comply with Rule 267. (3-31-22)

04. Number of Copies -- Filing and Service. Unless otherwise provided by order, notice or agreement of the parties, nine (9) legible copies of prepared testimony and exhibits must be filed with the Commission Secretary and copies filed on all parties under Rules 61, 62, 63 and 64 at least fourteen (14) days before the hearing at which they will be presented. The original, if there is an original, or one (1) of the copies, if there is not, must be specifically designated as the reporter's copy by cover sheet, attached note or otherwise, and be included with the copies filed with the Commission Secretary. In special circumstances, notice or order may provide that the reporter's copy of prepared testimony and exhibits be served directly on the reporter rather than the Commission Secretary. (3-31-22)

05. Computer-Searchable Copies of Testimony. In addition to the paper copies of prepared testimony, the Commission Secretary may also require or the parties may agree that some or all of the prepared testimony to be submitted to the Secretary, parties and the reporter as computer searchable PDF without password protection. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

234. **ASSERTION OF RIGHT AGAINST SELF-INCRIMINATION DURING DISCOVERY OR AT HEARING -- IMMUNITY (RULE 234).**

01. **Assertion of Right.** During discovery or at hearing, any person may assert the right not to testify or not to produce documents upon the ground that the testimony or production of documents may tend to incriminate or subject them to penalty or forfeiture. (3-31-22)()

02. **Granting of Immunity.** The Commission or any Commissioner may direct that person to testify or produce documents by written order or upon the record at hearing. In such case, that person shall not be prosecuted, punished or subjected to any forfeiture or penalty for or on account of any act, transaction, matter or thing concerning which they shall under oath have testified or produced documentary evidence: provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed in that testimony. (3-31-22)

03. **No Immunity Without Assertion of Right.** No immunity is granted under this rule or under Section 61-606, Idaho Code, absent of a specific assertion of the persons' rights under Section 61-606, Idaho Code, and the Commission's or a Commissioner's written order or direction on the record at hearing compelling the person to testify or produce written documents and immunizing the person from prosecution, punishment, forfeiture or penalty according to this rule and Section 61-606, Idaho Code. No immunity granted under this rule or Section 61-606, Idaho Code, shall extend to any public utility. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

254. **ORAL ARGUMENT (RULE 254).**

The Commission may set and hear oral arguments on any matter before it on reasonable notice. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

259. ~~ASSERTION OF RIGHT AGAINST SELF-INCRIMINATION AT HEARING -- IMMUNITY (RULE 259).~~ **(RESERVED)**

~~01. **Assertion of Right.** At hearing any person may assert the right not to testify or not to produce documents upon the ground that the testimony or production of documents may tend to incriminate the person or subject him or her to penalty or forfeiture. (3-31-22)~~

~~02. **Granting of Immunity.** The Commission or any Commissioner may direct that person to testify or produce the document by written order or on the record at hearing. In such case, that person shall not be prosecuted, punished, or subjected to any forfeiture or penalty for or because of any act, transaction, matter, or thing concerning which the person shall under oath have testified or produced documentary evidence: provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by the person in that testimony. (3-31-22)~~

~~03. **No Immunity Without Assertion of Right.** No immunity is granted under this rule or Section 61-606, Idaho Code, unless the person specifically asserts their rights under Section 61-606, Idaho Code, and the Commission's or a Commissioner order in writing or directs on the record at hearing that the person must testify or produce written documents and shall be immunized from prosecution, punishment, forfeiture or penalty according to this rule and Section 61-606, Idaho Code. No immunity shall extend to a public utility. (3-31-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

321. INTERLOCUTORY ORDERS (RULE 321).

01. Defined. Interlocutory orders are orders that do not decide all previously undecided issues presented in a proceeding. The Commission may, however decide some issues and state that its decision on those issues is final and subject to review by reconsideration and appeal, but is not final on other issues. An order is interlocutory unless it contains a Rule 323 paragraph or a substantially similar one. (3-31-22)

02. Certain Orders Always Interlocutory. These orders are always interlocutory: orders suspending rates, fares, ~~tolls~~, rentals, charges, classifications, contracts, practices, rules or regulations under Section 61-622, Idaho Code; orders initiating complaints or investigations; orders joining, consolidating or separating issues, proceedings or parties; orders granting or denying intervention; orders scheduling prehearing conferences, discovery, hearing, arguments or deadlines for written communications; orders proposing modified procedure; orders compelling or refusing to compel discovery. (~~3-31-22~~)()

03. Review of Interlocutory Orders. Interlocutory orders may be reviewed under Rules 322, 324 and 325. (3-31-22)