

TITLE 61
PUBLIC UTILITY REGULATION

CHAPTER 1
PUBLIC UTILITIES LAW -- APPLICATION AND DEFINITIONS

61-101. TITLE AND APPLICATION. This act shall be known as "The Public Utilities Law" and shall apply to the public utilities and public services herein described and to the commission herein referred to.

[(61-101) 1913, ch. 61, sec. 1, p. 248; reen. C.L. 106:1; C.S., sec. 2368; I.C.A., sec. 59-101.]

61-102. COMMISSION. The term "commission" when used in this act means the Idaho public utilities commission.

[(61-102) 1913, ch. 61, sec. 2a, p. 248; reen. 1915, ch. 62, sec. 1a, p. 151; reen. 1917, ch. 128, sec. 1, subd. a, p. 430; reen. C.L. 106:2; C.S., sec. 2369; I.C.A., sec. 59-102; am. 1951, ch. 100, sec. 1, p. 225.]

61-103. COMMISSIONER. The term "commissioner" when used in this act means one of the members of the commission.

[(61-103) 1913, ch. 61, sec. 2b, p. 248; reen. 1915, ch. 62, sec. 1b, p. 151; reen. 1917, ch. 128, sec. 1, subd. b, p. 430; reen. C.L. 106:3; C.S., sec. 2370; I.C.A., sec. 59-103.]

61-104. CORPORATION. The term "corporation" when used in this act includes a corporation, a company, an association and a joint stock association, but does not include a municipal corporation, or mutual nonprofit or cooperative gas, electrical, water or telephone corporation or any other public utility organized and operated for service at cost and not for profit, whether inside or outside the limits of incorporated cities, towns or villages.

[(61-104) 1913, ch. 61, sec. 2c, p. 248; am. 1915, ch. 62, sec. 1c, p. 151; am. 1917, ch. 128, sec. 1, subd. c, p. 430; reen. C.L. 106:4; C.S., sec. 2371; I.C.A., sec. 59-104.]

61-105. PERSON. The term "person" when used in this act includes an individual, a firm and a copartnership.

[(61-105) 1913, ch. 61, sec. 2d, p. 248; reen. 1915, ch. 62, sec. 1d, p. 151; reen. 1917, ch. 128, sec. 1, subd. d, p. 430; reen. C.L. 106:5; C.S., sec. 2372; I.C.A., sec. 59-105.]

61-106. TRANSPORTATION OF PERSONS. The term "transportation of persons" when used in this act includes every service in connection with or incidental to the safety, comfort, or convenience of the person transported and the receipt, carriage and delivery of such person and his baggage.

[(61-106) 1913, ch. 61, sec. 2e, p. 248; am. 1915, ch. 62, sec. 1e, p. 151; am. 1917, ch. 128, sec. 1, subd. e, p. 430; reen. C.L. 106:6; C.S., sec. 2373; I.C.A., sec. 59-106.]

61-107. TRANSPORTATION OF PROPERTY. The term "transportation of property" when used in this act includes every service in connection with or incidental to the transportation of property, including in particular its receipt, delivery, elevation, transfer, switching, carriage, ventilation,

refrigeration, icing, dunnage, storage, and handling, and the transmission of credit by express corporations.

[(61-107) 1913, ch. 61, sec. 2f, p. 248; reen. 1915, ch. 62, sec. 1f, p. 151; am. 1917, ch. 128, sec. 1, subd. f, p. 430; compiled and reen. C.L. 106:7; C.S., sec. 2374; I.C.A., sec. 59-107.]

61-108. STREET RAILROAD. The term "street railroad" when used in this act includes every railway and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city or county, or city or town, together with all real estate, fixtures and personal property of every kind and description used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property; but the term "street railroad" when used in this act shall not include a railway constituting or used as a part of a commercial or interurban railway.

[(61-108) 1913, ch. 61, sec. 2g, p. 248; am. 1915, ch. 62, sec. 1g, p. 151; am. 1917, ch. 128, sec. 1, subd. g, p. 430; compiled and reen. C.L. 106:8; C.S., sec. 2375; I.C.A., sec. 59-108.]

61-109. STREET RAILROAD CORPORATION. The term "street railroad corporation" when used in this act includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this state.

[(61-109) 1913, ch. 61, sec. 2h, p. 248; reen. 1915, ch. 62, sec. 1h, p. 152; reen. 1917, ch. 128, sec. 1, subd. h, p. 430; reen. C.L. 106:9; C.S., sec. 2376; I.C.A., sec. 59-109.]

61-110. RAILROAD. The term "railroad" when used in this act includes every commercial, interurban and other railway other than a street railroad, and each and every branch or extension thereof, by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, stations, tunnels, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment, and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property.

[(61-110) 1913, ch. 61, sec. 2i, p. 248; reen. 1915, ch. 62, sec. 1i, p. 152; reen. 1917, ch. 128, sec. 1, subd. i, p. 430; reen. C.L. 106:10; C.S., sec. 2377; I.C.A., sec. 59-110.]

61-111. RAILROAD CORPORATION. The term "railroad corporation" when used in this act includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this state.

[(61-111) 1913, ch. 61, sec. 2j, p. 248; reen. 1915, ch. 62, sec. 1j, p. 152; reen. 1917, ch. 128, sec. 1, subd. j, p. 430; reen. C.L. 106:11; C.S., sec. 2378; I.C.A., sec. 59-111.]

61-112. EXPRESS CORPORATION. The term "express corporation" when used in this act includes every corporation or person, their lessees, trustees,

receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or stage or auto stage line within this state.

[(61-112) 1913, ch. 61, sec. 2k, p. 248; am. 1915, ch. 62, sec. 1k, p. 152; am. 1917, ch. 128, subd. k, p. 430; reen. C.L. 106:12; C.S., sec. 2379; I.C.A., sec. 59-112.]

61-113. COMMON CARRIER. The term "common carrier" when used in this act includes every railroad corporation, street railroad corporation, express corporation, dispatch, sleeping car, dining car, drawing room car, freight line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this state.

[(61-113) 1913, ch. 61, sec. 2 (1), p. 248; reen. 1915, ch. 62, sec. 1 (1), p. 152; reen. 1917, ch. 128, subd. 1, p. 430; am. 1917, ch. 161, sec. 1 (1), p. 488; am. C.L. 106:13; am. 1919, ch. 172, sec. 1, p. 546; C.S., sec. 2380; I.C.A., sec. 59-113; am. 2010, ch. 167, sec. 1, p. 343.]

61-114. PIPELINE. (1) The term "pipeline" when used in this act includes all real estate, gathering lines, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the transmission, storage, distribution or delivery of natural gas or manufactured gas, crude oil or other fluid substances except water through pipelines.

(2) "Gathering lines" means fixtures, valves, pipes and other property used to transport, deliver or distribute natural gas, manufactured gas, natural gas condensate, crude oil or other petroleum products from a wellhead to a transmission line.

[(61-114) 1913, ch. 61, sec. 2m, p. 248; reen. 1915, ch. 62, sec. 1m, p. 152; reen. 1917, ch. 128, subd. m, p. 430; reen. C.L. 106:14; C.S., sec. 2381; I.C.A., sec. 59-114; am. 2012, ch. 72, sec. 1, p. 207; am. 2014, ch. 108, sec. 1, p. 315.]

61-115. PIPELINE CORPORATION. The term "pipeline corporation" when used in this act includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any pipeline for compensation within this state.

[(61-115) 1913, ch. 61, sec. 2n, p. 248; reen. 1915, ch. 62, sec. 1n, p. 153; reen. 1917, ch. 128, subd. n, p. 430; reen. C.L. 106:15; C.S., sec. 2382; I.C.A., sec. 59-115.]

61-116. GAS PLANT. The term "gas plant" when used in this act includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas (natural or manufactured) for light, heat or power.

[(61-116) 1913, ch. 61, sec. 2o, p. 248; reen. 1915, ch. 62, sec. 1o, p. 153; reen. 1917, ch. 128, subd. o, p. 430; reen. C.L. 106:16; C.S., sec. 2383; I.C.A., sec. 59-116.]

61-117. GAS CORPORATION. The term "gas corporation" when used in this act includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any gas plant for compensation, within this state, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

[(61-117) 1913, ch. 61, sec. 2p, p. 248; reen. 1915, ch. 62, sec. 1p, p. 153; reen. 1917, ch. 128, subd. p, p. 430; reen. C.L. 106:17; C.S., sec. 2384; I.C.A., sec. 59-117.]

61-118. ELECTRIC PLANT. The term "electric plant" when used in this act includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, and all conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

[61-118, added 1913, ch. 61, sec. 2q, p. 248; am. 1915, ch. 62, sec. 1q, p. 153; am. 1917, ch. 128, subd. q, p. 430; reen. C.L. 106:18; C.S., sec. 2385; I.C.A., sec. 59-118.]

61-119. ELECTRICAL CORPORATION. The term "electrical corporation" when used in this act includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any electric plant for compensation within this state, except where the electricity is:

(1) Generated on or distributed by the producer through private property alone, solely for his own use or the use of his tenants and not for sale to others;

(2) Purchased from a public utility as defined in section 61-129, Idaho Code, to charge the batteries of an electric motor vehicle as provided by order or rule of the commission; or

(3) To be used exclusively in operations incident to the working of metalliferous mines and mining claims, mills, or reduction and smelting plants, and the transmission lines and distribution systems are owned by the consumer or where several consumers severally own their individual distribution systems and jointly own, in their own names or through a trustee, the transmission lines used in connection therewith and transmit such electricity, whether generated by themselves or procured from some other source, over such transmission lines and distribution systems without profit, and to be used for their private uses for the purposes aforesaid in places outside the limits of incorporated cities, towns and villages, and not for resale or public use, sale or distribution.

[(61-119) 1913, ch. 61, sec. 2r, p. 248; am. 1915, ch. 62, sec. 1r, p. 153; am. 1917, ch. 128, subd. r, p. 430; reen. C.L. 106:19; C.S., sec. 2386; I.C.A., sec. 59-119; am. 2015, ch. 221, sec. 1, p. 684.]

61-120. TELEPHONE LINE. The term "telephone line" when used in this act includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures, and personal property owned, controlled, operated or managed in connection with or to facilitate

communication by telephone, whether such communication is had with or without the use of transmission wires.

[(61-120) 1913, ch. 61, sec. 2s, p. 248; am. 1915, ch. 62, sec. 1s, p. 154; am. 1917; ch. 128, subd. s, p. 430; reen. C.L. 106:20; C.S., sec. 2387; I.C.A., sec. 59-120.]

61-121. TELEPHONE CORPORATION -- TELECOMMUNICATION SERVICES. (1) The term "telephone corporation" when used in title 61, Idaho Code, means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, providing telecommunication services for compensation within this state. Except as otherwise provided by statute, telephone corporations providing radio paging, mobile radio telecommunication services, answering services (including computerized or otherwise automated answering or voice message services), or one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and subscriber interaction, if any, which is required for the selection of such video programming or other programming service or surveying are exempt from any requirement of title 61, or chapter 6, title 62, Idaho Code, in the provision of such services.

(2) "Telecommunication service" means the transmission of two-way interactive switched signs, signals, writing, images, sounds, messages, data, or other information of any nature by wire, radio, lightwaves, or other electromagnetic means (which includes message telecommunication service and access service), which originate and terminate in this state, and are offered to or for the public, or some portion thereof, for compensation. Except as otherwise provided by statute, "telecommunication service" does not include the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and subscriber interaction, if any, which is required for the selection of such video programming or other programming service, surveying, or the provision of radio paging, mobile radio telecommunication services, answering services (including computerized or otherwise automated answering or voice message services), and such services shall not be subject to the provisions of title 61, Idaho Code, or title 62, Idaho Code.

[(61-121) 1913, ch. 61, sec. 2t, p. 248; am. 1915, ch. 62, sec. 1t, p. 154; am. 1917, ch. 128, subd. t, p. 430; reen. C.L. 106:21; C.S., sec. 2388; I.C.A., sec. 59-121; am. 1983, ch. 172, sec. 2, p. 479; am. 1988, ch. 195, sec. 2, p. 368; am. 1999, ch. 114, sec. 1, p. 341.]

61-124. WATER SYSTEM. The term "water system" when used in this act includes all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for power, irrigation, reclamation or manufacturing, or for municipal, domestic or other beneficial use for hire.

A water system which consists of a canal system, or irrigation project constructed pursuant to the act of congress known as the Carey act and the statutes of this state relating thereto, shall not be considered a public utility under the terms of this act, and neither such water system nor the corporation, company or association owning or managing the same shall be under the jurisdiction, control or regulation of the commission.

[(61-124) 1913, ch. 61, sec. 2w, p. 248; reen. 1915, ch. 62, sec. 1w, p. 154; reen. 1917, ch. 128, subd. w, p. 430; compiled and reen. C.L. 106:24; C.S., sec. 2391; I.C.A., sec. 59-124.]

61-125. WATER CORPORATION. The term "water corporation" when used in this act includes every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, owning, controlling, operating or managing any water system for compensation within this state.

[(61-125) 1913, ch. 61, sec. 2x, p. 248; reen. 1915, ch. 62, sec. 1x, p. 154; reen. 1917, ch. 128, subd. x, p. 430; reen. C.L. 106:25; C.S., sec. 2392; I.C.A., sec. 59-125.]

61-129. PUBLIC UTILITY. The term "public utility" when used in this act includes every common carrier, pipeline corporation, gas corporation, electrical corporation, telephone corporation and water corporation, as those terms are defined in this chapter and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this act. The term "public utility" as used in this act shall cover cases:

(1) Where the service is performed and the commodity delivered directly to the public or some portion thereof, and where the service is performed or the commodity delivered to any corporation or corporations, or any person or persons, who in turn, either directly or indirectly or mediately or immediately, performs the services or delivers such commodity to or for the public or some portion thereof; and

(2) Where a pipeline corporation delivers the commodity to any corporation, person, their lessees, receivers or trustees regardless of whether it offers the pipeline service or commodity to the public or some portion thereof. Such pipeline shall be subject to the safety supervision and regulation of the commission only, unless and until such pipeline corporation makes application to the commission to be regulated generally as a public utility.

[(61-129) 1913, ch. 61, sec. 2bb, p. 248; am. 1915, ch. 62, sec. 1bb, p. 555; am. 1917, ch. 128, subd. bb, p. 430; reen. C.L. 106:29; C.S., sec. 2396; I.C.A., sec. 59-129; am. 1967, ch. 6, sec. 1, p. 9; am. 1982, ch. 5, sec. 2, p. 8; am. 2010, ch. 167, sec. 3, p. 344; am. 2012, ch. 72, sec. 2, p. 208; am. 2014, ch. 108, sec. 2, p. 315.]

61-130. REFERENCE TO OTHER STATUTES AND LAWS. Wherever the words "public utilities commission of the state of Idaho," or the words "public utilities commission" or "commission," are used in the existing laws or statutes of the state of Idaho, or in any laws enacted at the thirty-first session of the legislature of the state of Idaho, with respect to the administration of the public utilities law and refer to and mean the public utilities commission of the state of Idaho, said words shall be read and construed to mean the Idaho public utilities commission created by this act.

[61-130, added 1951, ch. 100, sec. 4, p. 225.]