

TITLE 61  
PUBLIC UTILITY REGULATION

CHAPTER 10  
SPECIAL REGULATORY FEE

61-1001. ANNUAL FEES PAYABLE TO COMMISSION BY PUBLIC UTILITIES -- PURPOSE. Each public utility and each railroad corporation, subject to the jurisdiction of the commission, and subject to the provisions of this act, shall pay to the commission in each year, a special regulatory fee in such amount as the commission shall find and determine to be necessary, together with the amount of all other fees paid or payable to the commission by each such public utility and railroad corporation in the current calendar year, to defray the amount to be expended by the commission for expenses in supervising and regulating the public utilities and railroad corporations subject to its jurisdiction.

[61-1001, added 1955, ch. 177, sec. 1, p. 362; am. 1959, ch. 80, sec. 1, p. 179; am. 1975, ch. 135, sec. 1, p. 297; am. 1981, ch. 74, sec. 1, p. 106; am. 1999, ch. 289, sec. 2, p. 716; am. 1999, ch. 383, sec. 14, p. 1067.]

61-1003. RETURNS -- FORMS AND PREPARATION -- TIME OF FILING AND FIRST FEE PAYMENT. On or before April 1st of each year, each public utility and railroad corporation subject to the jurisdiction of the commission, shall file with the commission a return verified by an officer or agent of the public utility or railroad corporation involved, showing its gross operating revenues from its intrastate utility or railroad business in Idaho for the preceding calendar year during which it carried on such intrastate utility or railroad business. Such return shall be in such form and detail as the commission may prescribe and shall be subject to audit by the commission.

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

[61-1003, added 1955, ch. 177, sec. 1, p. 362; am. 1959, ch. 80, sec. 3, p. 179.]

61-1004. DUTIES OF COMMISSION -- FEES -- DETERMINATION -- MAXIMUM AND MINIMUM FEES. On or before April 15th of each year the commission shall determine the proportionate assessment that all railroad corporations, and all other public utilities subject to the jurisdiction of the commission, shall bear to the amount which will be required to defray the expense of the commission for supervision and regulation of such railroad corporations and other public utilities during the ensuing fiscal year; such determination shall be based upon a consideration of the time and expense devoted to the supervision and regulation of each such class of railroad corporations and other public utilities during the preceding calendar year, including salaries and wages of the commissioners and employees and all other necessary and lawful expenditures of the commission. Thereupon the commission shall apportion the assessment thus determined to be required of all railroad corporations and all other public utilities, to each such class thereof, respectively, in proportion to their respective gross operating

revenues derived from intrastate utility business in Idaho for the preceding calendar year, except that the maximum fee payable shall not exceed:

(1) In the case of railroad corporations, one percent (1%) of the gross operating revenues derived from the intrastate utility business of each railroad corporation; and

(2) In the case of all other public utilities except pipeline corporations, three-tenths (3/10) of one percent (1%) of the gross operating revenues derived from the intrastate utility business of each such public utility.

(3) In the case of pipeline corporations, the fee payable shall be calculated to recover the commission's time and expense devoted to the safety supervision and regulation of each pipeline corporation.

(4) In no case shall the fee be less than fifty dollars (\$50.00).

(5) The commission shall make such assessment of the fees so determined by orders duly made and entered on its minutes.

[61-1004, added 1955, ch. 177, sec. 1, p. 362; am. 1959, ch. 80, sec. 4, p. 179; am. 1972, ch. 148, sec. 5, p. 319; am. 1975, ch. 135, sec. 3, p. 297; am. 1989, ch. 87, sec. 1, p. 150; am. 1999, ch. 289, sec. 3, p. 716; am. 2012, ch. 72, sec. 3, p. 208.]

61-1005. PAYMENT OF FEES -- TIME AND MANNER -- PROCEDURE ON NONPAYMENT. On or before May 1st of each year, the commission shall notify each public utility and railroad corporation subject to the provisions of this act, by mail, of the amount of its fee for the ensuing fiscal year beginning July 1st, computed as in this act provided. Such fee shall be paid to the commission in equal semiannual installments on or before the 15th days of November and May in each fiscal year. If payment shall not be made on or before said respective dates, the installments so due shall bear interest at the rate of six per cent (6%) per annum until such time as the full amount of the installment shall have been paid. Upon failure, refusal or neglect of any public utility or railroad corporation to pay such fee the attorney general shall commence an action in the name of the state to collect the same.

[61-1005, added 1955, ch. 177, sec. 1, p. 362; am. 1959, ch. 80, sec. 5, p. 179.]

61-1007. OBJECTIONS TO FEES ASSESSED -- PROCEDURE. If any public utility or railroad corporation subject to the provisions of this act claims the assessment made against it is erroneous, excessive, unlawful or invalid, it shall on or before the time specified for payment of the first installment of the assessment made against it, file with the commission its written objections to such assessment, setting out specifically the grounds upon which it claims said assessment to be erroneous, excessive, unlawful or invalid. The commission, upon receipt of any such objection, and after ten (10) days' notice in writing to the objector, shall proceed to hold a hearing upon such objections within twenty (20) days after the date of such notice. Within twenty (20) days after such hearing, the commission shall make and enter its findings in its minutes and issue its order in accordance with said findings and forthwith transmit the same to the objector by registered mail. The commission shall refund any overpayment of any fees prescribed by this act and all claims for such refunds against the "Public Utilities Commission Fund" created by this act, shall be examined by the commission and certified by the president of the commission to the state controller, who shall, upon the approval of the board of examiners, draw his warrant against said "Public

Utilities Commission Fund" for all such claims for refunds so allowed and approved.

[61-1007, added 1955, ch. 177, sec. 1, p. 362; am. 1959, ch. 80, sec. 7, p. 179; am. 1994, ch. 180, sec. 148, p. 516.]

61-1008. EXPENDITURE -- PUBLIC UTILITIES COMMISSION FUND -- CREATION -- APPROPRIATION -- DISPOSITION OF SURPLUS. (1) At each regular session, the legislature shall determine the amount of money that may be expended by the public utilities commission during the next ensuing fiscal year.

(2) The state treasurer shall be custodian of the "public utilities commission fund," into which shall be paid and deposited all funds accruing or received under any and all provisions of this chapter, and all fees, licenses, charges, assessments, fines and penalties, now or hereafter payable to, collected or recovered by the commission under any other law of this state, and all funds otherwise appropriated or made available to said fund. All moneys from whatever source accruing to and received into said fund are hereby appropriated, within the limits of funds determined therefor by the legislature, for the payment of the administrative and maintenance expenses of the commission, including salaries and wages of the commissioners and employees, travel, supplies, equipment, fixed charges, refunds of fees and all other necessary expenses of the commission, not otherwise provided for. Moneys shall be paid out of the public utilities commission fund by the state treasurer only upon claim vouchers prepared and approved by the commission, certified by the president of the commission to the state controller who, after review as provided by law, shall draw his warrant against the public utilities commission fund for all such claims.

(3) Any moneys remaining in the public utilities commission fund at the end of any fiscal year, shall be retained in said fund for the use of the commission for the purposes specified in this chapter. Remaining funds shall be credited ratably by the commission to the respective railroad corporations and other public utilities according to the respective portions of such fees determined hereunder to be assessable against each such railroad corporation and other public utility, respectively, for the ensuing fiscal year. The respective fee assessed against each railroad corporation and public utility for such ensuing fiscal year shall be correspondingly reduced; provided that, only moneys paid under the provisions of this chapter by railroad corporations and other public utilities shall be considered in determining the surplus to be so credited by the commission.

[61-1008, added 1955, ch. 177, sec. 1, p. 362; am. 1959, ch. 80, sec. 8, p. 179; am. 1994, ch. 180, sec. 149, p. 516; am. 1999, ch. 289, sec. 4, p. 717; am. 1999, ch. 383, sec. 16, p. 1068; am. 2003, ch. 32, sec. 32, p. 136.]