

TITLE 61
PUBLIC UTILITY REGULATION

CHAPTER 2
PUBLIC UTILITIES COMMISSION

61-201. CREATION -- APPOINTMENT AND TERM OF OFFICE OF MEMBERS OF THE IDAHO PUBLIC UTILITIES COMMISSION -- FILLING OF VACANCIES. There is hereby created a state commission to be known and designated as the Idaho public utilities commission. The commission shall be comprised of three (3) members appointed by the governor, with the approval of the senate. Not more than two (2) members of said commission shall belong to the same political party. The members of the first commission after taking effect of this act shall be appointed for terms beginning with the effective date of this act and expiring as follows: Two (2) commissioners for a term expiring the second Monday in January, 1953, and one (1) commissioner for a term expiring the second Monday in January, 1955. Each of the commissioners shall hold office until his successor is appointed and qualified. On the second Monday in January, 1961, the governor shall appoint one (1) commissioner for a four (4) year term and one (1) commissioner for a six (6) year term, and on the second Monday in January, 1963, the governor shall appoint one (1) commissioner for a six (6) year term. On the second Monday in January of each second year after the year of 1963, the governor shall appoint one (1) commissioner for a six (6) year term. Whenever a vacancy in the office of commissioner shall occur, the governor shall forthwith appoint a qualified person to fill the same for the unexpired term. If any appointment is made during the recess of the legislature it shall be subject to confirmation by the senate during its next ensuing session.

[(61-201) 1913, ch. 61, parts of sec.sec. 3a, 3b, p. 248; compiled and reen. C.L. 106:30; C.S., sec. 2397; I.C.A., sec. 59-201; am. 1951, ch. 100, sec. 2, p. 225; am. 1959, ch. 192, sec. 1, p. 423.]

61-202. REMOVAL OF COMMISSIONERS. The governor may remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency upon filing with the secretary of the commission charges against such commissioner or commissioners, setting forth the grounds of such contemplated removal and giving an opportunity for such commissioner or commissioners to be heard in regard thereto.

[(61-202) 1913, ch. 61, sec. 3b, last part, p. 248; compiled and reen. C.L. 106:31; C.S., sec. 2398; I.C.A., sec. 59-202.]

61-203. PRESIDENT. On the first Monday of April, 1981, and every two (2) years thereafter, the commissioners shall elect one (1) of their members to be president. Should the president be unable to fulfill his term because of death, resignation, absence, disability, removal from office or refusal to act, the commission shall elect one (1) of their members to be president for the remainder of the unexpired term.

[(61-203) 1913, ch. 61, sec. 3a, last part, p. 248; compiled and reen. C.L. 106:32; C.S., sec. 2399; I.C.A., sec. 59-203; am. 1981, ch. 11, sec. 1, p. 20.]

61-204. ATTORNEY GENERAL ATTORNEY OF COMMISSION. It shall be the right and the duty of the attorney general to represent and appear for the people

of the state of Idaho and the commission in all actions and proceedings involving any question under this act or under any order or act of the commission and, if directed to do so by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence, prosecute, and expedite the final determination of all actions and proceedings directed or authorized by the commission; to advise the commission and each commissioner, when so requested, in regard to all matters connected with the powers and duties of the commission and the members thereof; and generally to perform all duties and service as attorney to the commission which the commission may require of him.

[(61-204) 1913, ch. 61, sec. 4, p. 248; reen. C.L. 106:33; C.S., sec. 2400; I.C.A., sec. 59-204.]

61-205. SECRETARY -- APPOINTMENT -- DUTIES. The commission shall appoint a secretary, who shall hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary process, writs, warrants and notices, and to perform such other duties as the commission may prescribe.

[(61-205) 1913, ch. 61, sec. 5, p. 248; reen. C.L. 106:34; C.S., sec. 2401; I.C.A., sec. 59-205.]

61-206. EMPLOYEES. (1) The commission shall have power to employ, during its pleasure, such officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees as it may deem necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the commission.

(2) In addition to the number of nonclassified employees provided by other provisions of law, the commission shall have the authority to employ not more than three (3) nonclassified employees as regulatory policy strategists reporting directly to the commission and one (1) nonclassified pipeline safety specialist.

[(61-206) 1913, ch. 61, sec. 6, p. 248; reen. C.L. 106:35; C.S., sec. 2402; I.C.A., sec. 59-206; am. 1998, ch. 147, sec. 1, p. 517; am. 2001, ch. 108, sec. 1, p. 372.]

61-207. COMMISSIONERS AND EMPLOYEES -- OATH -- QUALIFICATIONS -- RESTRICTIONS ON POLITICAL ACTIVITY. Each commissioner shall devote his entire time to the duties of his office and shall, together with each person appointed to a civil executive office by the commission, before entering upon the duties of his office, take and subscribe to an oath to the effect that he will support the Constitution of the United States and the state of Idaho, and faithfully and impartially discharge the duties of his office as required by law and that he is not interested directly or indirectly in any public utility embraced within the provisions of this act; or any of its stocks, bonds, mortgages, securities or earnings.

Each commissioner shall be a qualified elector of this state, and no person while in the employ of or holding any official relation to any corporation or person, which said corporation or person is subject in whole or in part to regulation by the commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of commissioner or be appointed or employed by the commission: provided, that if such person shall become the owner of such stocks or bonds or become pecuniarily interested in such

corporation otherwise than voluntarily, he shall within a reasonable time divest himself of such ownership or interest; failing to do so, his office or employment shall become vacant.

No commissioner shall, directly or indirectly, while he is a member of said commission, take any part in politics by advocating or opposing the election, appointment or nomination of any person or persons to any office in the state of Idaho, excepting under officers in the commission, nor shall any commissioner seek appointment or election or nomination for any civil office in the state of Idaho, other than commissioner, while he is a member of said commission, nor shall any commissioner seek appointment, nomination or election to any civil office in the state of Idaho, other than that of commissioner, for a period of two (2) years from the date of the expiration of his term or after his resignation or removal from said office.

[(61-207) 1913, ch. 61, sec. 7, p. 248; reen. C.L. 106:36; C.S., sec. 2403; I.C.A., sec. 59-207.]

61-208. OFFICE AND MEETINGS. The office of the commission shall be in Ada county. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its session at least once in each calendar month, and may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties. For the purpose of holding sessions in places other than the office of the commission, the commission shall have the power to rent quarters or offices, and the expense thereof and in connection therewith, shall be paid in the same manner as the other expenses authorized by this act. The sessions of the commission shall be public.

[(61-208) 1913, ch. 61, sec. 8a, p. 248; reen. C.L. 106:37; C.S., sec. 2404; I.C.A., sec. 59-208; am. 2001, ch. 183, sec. 26, p. 637.]

61-209. SEAL. The commission shall have a seal bearing the following inscription: "Idaho public utilities commission." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

[(61-209) 1913, ch. 61, sec. 8b, p. 248; reen. C.L. 106:38; C.S., sec. 2405; I.C.A., sec. 59-209; am. 1951, ch. 100, sec. 3, p. 225.]

61-210. OFFICE EQUIPMENT. The commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus and appliances, and the same shall be paid for in the same manner as other expenses authorized by this act.

[(61-210) 1913, ch. 61, sec. 8c, p. 248; reen. C.L. 106:39; C.S., sec. 2406; I.C.A., sec. 59-210.]

61-211. QUORUM -- SINGLE COMMISSIONER OR HEARING EXAMINER MAY HOLD INVESTIGATION. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. No single vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of the majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or hold may be undertaken or held by or before any commissioner or

hearing examiner designated for that purpose by the commission, and every finding, order or decision made by a commissioner or hearing examiner so designated, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the finding, order or decision of the commission. The commission may designate the hearing examiner to represent the commission in actions and proceedings in lieu of an attorney appointed by the attorney general under section 61-204, Idaho Code, as amended, in which event the attorney general will appoint only an attorney to represent the people of the state of Idaho.

[(61-211) 1913, ch. 61, sec. 9, p. 248; reen. C.L. 106:40; C.S., sec. 2407; I.C.A., sec. 59-211; am. 1965, ch. 125, sec. 1, p. 252.]

61-212. COMPENSATION OF EMPLOYEES. All officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by the commission. The salary or compensation of every person holding office or employment under this act shall be paid on regular pay periods from the funds appropriated for the use of the commission after being approved by the commission, upon claims therefor to be duly audited by the proper authority.

[(61-212) 1913, ch. 61, sec. 10a, p. 248; am. 1915, ch. 115, sec. 1, subd. a, p. 261; reen. C.L. 106:41; C.S., sec. 2408; am. 1923, ch. 99, sec. 1, p. 123; I.C.A., sec. 59-212; am. 1945, ch. 192, sec. 1, p. 300; am. 1967, ch. 400, sec. 1, p. 1206; am. 1969, ch. 409, sec. 1, p. 1134; am. 1973, ch. 277, sec. 1, p. 589; am. 1976, ch. 350, sec. 1, p. 1159; am. 1977, ch. 178, sec. 9, p. 463; am. 1978, ch. 305, sec. 1, p. 766.]

61-213. EXPENSES -- AUDIT AND PAYMENT. All expense incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the commissioners, their officers and employees, incurred while on business of the commission, shall be paid from the funds appropriated for the use of the commission, after being approved by the commission upon claims therefor to be audited as provided by law.

[(61-213) 1913, ch. 61, sec. 10b, p. 248; reen. 1915, ch. 115, sec. 1, subd. b, p. 261; reen. C.L. 106:42; C.S., sec. 2409; I.C.A., sec. 59-213.]

61-214. ANNUAL REPORT OF COMMISSION. The commission shall make and submit to the governor on or before the first day of December of each year, a report containing a full and complete account of its transactions, and proceedings for the preceding fiscal year, ending June thirtieth, together with such other facts, suggestions, and recommendations as it may deem of value to the people of the state.

[(61-214) 1913, ch. 61, sec. 11, p. 248; reen. C.L. 106:43; C.S., sec. 2410; I.C.A., sec. 59-214.]

61-215. SALARIES OF PUBLIC UTILITIES COMMISSIONERS. Each member of the public utilities commission shall devote full time to the performance of his/her duties. Commencing on July 1, 2018, the annual salary of members of the public utilities commission shall be one hundred six thousand eight hundred sixty-eight dollars (\$106,868) and shall be paid from sources set by the legislature.

[61-215, added 1987, ch. 60, sec. 1, p. 108; am. 1990, ch. 115, sec. 1, p. 239; am. 1993, ch. 45, sec. 1, p. 117; am. 1998, ch. 358, sec. 2, p. 1121; am. 1999, ch. 18, sec. 1, p. 26; am. 2000, ch. 359, sec. 1, p. 1196; am. 2001, ch. 253, sec. 1, p. 918; am. 2004, ch. 281, sec. 1, p. 775; am. 2006, ch. 368, sec. 1, p. 1106; am. 2007, ch. 121, sec. 1, p. 370; am. 2008, ch. 285, sec. 1, p. 807; am. 2012, ch. 224, sec. 1, p. 610; am. 2014, ch. 316, sec. 1, p. 780; am. 2015, ch. 120, sec. 1, p. 305; am. 2016, ch. 247, sec. 1, p. 660; am. 2017, ch. 316, sec. 1, p. 831; am. 2018, ch. 174, sec. 3, p. 385.]