

TITLE 61  
PUBLIC UTILITY REGULATION

CHAPTER 3  
DUTIES OF PUBLIC UTILITIES

61-301. CHARGES JUST AND REASONABLE. All charges made, demanded or received by any public utility, or by any two (2) or more public utilities, for any product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded or received for such product or commodity or service is hereby prohibited and declared unlawful.

[(61-301) 1913, ch. 61, sec. 12a, p. 248; reen. C.L. 106:44; C.S., sec. 2411; I.C.A., sec. 59-301.]

61-302. MAINTENANCE OF ADEQUATE SERVICE. Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable.

[(61-302) 1913, ch. 61, sec. 12b, p. 248; reen. C.L. 106:45; C.S., sec. 2412; I.C.A., sec. 59-302.]

61-303. RULES AND REGULATIONS JUST AND REASONABLE. All rules and regulations made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.

[(61-303) 1913, ch. 61, sec. 12c, p. 248; reen. C.L. 106:46; C.S., sec. 2413; I.C.A., sec. 59-303.]

61-304. SCHEDULES OF COMMON CARRIERS -- CONTENTS -- POSTING -- FORM. Every common carrier shall file with the commission and shall print and keep open to the public inspection schedules showing the rates, fares, charge and classification for the transportation between termini within this state of persons and property from each point upon its route to all other points thereon and from all points upon its route to all points upon every other route leased, operated or controlled by it; and from each point on its route or upon any route leased, operated or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two (2) such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, fares, charges and classifications applicable to the through transportation.

The schedule printed as aforesaid shall plainly state the places between which such property and persons will be carried, and shall also contain the classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and all rules or regulations which may in any wise change, affect or determine any part, or the aggregate of, such rates, fares, charges and classifications, or the value of the various

services rendered to the passenger, shipper or consignee. Subject to such rules and regulations as the commission may prescribe, such schedules shall be plainly printed in large type and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or property are respectively received for transportation when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets or tickets for sleeping, parlor car or other train accommodations are sold or bills of lading or waybills or receipts for property issued. Any or all of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person.

A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rates, fares, rules, or regulations in force, shall be kept posted by the carrier in two (2) public and conspicuous places in every such station or office.

The form of every such schedule shall be prescribed by the commission and shall conform in the case of common carriers subject to the act of congress entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, as nearly as may be to the form of schedule prescribed by the interstate commerce commission under this act. When the schedules and classifications required by the said interstate commerce commission contain in whole or in part the information required by the provisions of this section, the posting, publishing and filing of a copy or copies of such schedules and classifications required by the interstate commerce commission shall be deemed a compliance with the requirements of this section in so far as such schedules and classifications contain the information required by this section, and any additional or different information may be posted, published and filed in a supplementary schedule.

[(61-304) 1913, ch. 61, sec. 13a, p. 248; compiled and reen. C.L. 106:47; C.S., sec. 2414; I.C.A., sec. 59-304.]

61-305. SCHEDULES OF OTHERS THAN COMMON CARRIERS. Under such rules and regulations as the commission may prescribe, every public utility other than a common carrier shall file with the commission within such time and in such form as the commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications or service. The rates, tolls, rentals and charges shown on such schedules when filed by a public utility as to which the commission by this act acquires the power to fix any rates, tolls, rentals or charges, shall not within any portion of the territory as to which the commission acquires as to such public utility such power, exceed the rates, tolls, rentals or charges in effect on the second day of January, 1913, the rates, tolls, rentals and charges shown on such schedules when filed by any public utility as to any territory as to which the commission does not by this act acquire as to such public utility such power, shall not exceed the rates, tolls, rentals and charges in effect at the time the commission acquires as to such territory and as to such public utility, the power to fix rates, tolls, rentals or charges. Nothing in this section contained shall prevent the commission from approving or fixing the

rates, tolls, rentals or charges, from time to time, in excess or less than those shown by said schedules.

[(61-305) 1913, ch. 61, sec. 13b, p. 248; compiled and reen. C.L. 106:48; C.S., sec. 2415; I.C.A., sec. 59-305.]

61-306. SCHEDULES -- CHANGE IN FORM. The commission shall have the power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in the two (2) preceding sections as it may find expedient, and to modify the requirements of any of its orders, rules or regulations in respect to any matter in this section referred to.

[(61-306) 1913, ch. 61, sec. 13c, p. 248; reen. C.L. 106:49; C.S., sec. 2416; I.C.A., sec. 59-306.]

61-307. SCHEDULES -- CHANGE IN RATE AND SERVICE. Unless the commission otherwise orders, no change shall be made by any public utility in any rate, fare, toll, rental, charge or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility except after thirty (30) days' notice to the commission and to the public as herein provided. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect. The commission, for good cause shown, may allow changes without requiring the thirty (30) days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate, fare, toll, rental, charge or classification, or in any form of contract or agreement or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the commission by some character to be designated by the commission, immediately preceding or following the item.

[(61-307) 1913, ch. 61, sec. 14, p. 248; reen. C.L. 106:50; C.S., sec. 2417; I.C.A., sec. 59-307.]

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

[(61-308) 1913, ch. 61, sec. 15, p. 248; compiled and reen. C.L. 106:51; C.S., sec. 2418; I.C.A., sec. 59-308.]

61-309. SCHEDULES -- FILING BY COMMON CARRIERS A PRECEDENT TO DO BUSINESS. No common carrier subject to the provisions of this act shall engage or participate in the transportation of persons or property, between points within this state, until its schedules of rates, fares, charges and classifications shall have been filed and published in accordance with the provisions of this act.

[(61-309) 1913, ch. 61, sec. 16a(1), p. 248; reen. 1915, ch. 113, sec. 1, subd. 16a(1), p. 257; compiled and reen. C.L. 106:52; C.S., sec. 2419; I.C.A., sec. 59-309.]

61-310. ONLY SCHEDULE RATES TO BE CHARGED. No common carrier except as in this act otherwise provided shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares or charges so specified except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

[(61-310) 1913, ch. 61, sec. 16a(2), p. 248; reen. 1915, ch. 113, sec. 1, subd. 16a(2), p. 258; reen. C.L. 106:53; C.S., sec. 2420; I.C.A., sec. 59-310.]

61-311. PASSES -- RESTRICTED TO CERTAIN PERSONS. No common carrier shall directly or indirectly issue or give any free ticket, free pass or free transportation for passengers except to its employees and their families, its officers, agents, surgeons, physicians and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of national homes or state homes for disabled volunteer soldiers, and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to veterans of the civil war; to necessary caretakers of livestock, poultry, milk and fruit; to employees on sleeping cars, express cars and to linemen of telegraph and telephone companies; to railway mail service employees, post-office inspectors, customs inspectors and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in wrecks and physicians and nurses attending such persons: provided, that this provision shall not be construed to prohibit the interchange of passes for the officers, agents and employees of common carriers, and their families, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitations: provided further, that these provisions shall not be construed to prohibit the privilege of passes or franks, or the exchange thereof, with each other, for the officers, agents, employees, and their families, of telegraph, telephone and cable lines, and the officers,

agents, employees, and their families of common carriers, subject to the provisions of this act: provided further, that the term "employees" as used in this paragraph shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier, and exemployees traveling for the purpose of entering the service of any such common carrier, and the term "families" as used in this paragraph shall include the families of those persons named in this proviso; also the families of persons killed, and the widows during widowhood and the minor children during minority, of persons who died while in the service of any such common carrier: provided further, that nothing herein contained shall prevent the issuance of mileage and commutation tickets or excursion passenger tickets: provided further, that nothing in this section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers or policemen or members of fire departments of any municipality or other department of the government: provided further, that it shall also be lawful for any common carrier to issue a free ticket or other form of transportation to former employees who have been in the employ of such common carrier for a period of not less than twenty (20) years and to those dependent upon such former employees.

[(61-311) 1913, ch. 61, sec. 16a(3), p. 248; am. 1915, ch. 113, sec. 1, subd. 16a(3), p. 258; compiled and reen. C.L. 106:54; C.S., sec. 2421; am. 1923, ch. 68, sec. 1, p. 74; I.C.A., sec. 59-311.]

61-312. PROPERTY HANDLED FREE -- REDUCED RATES FOR DEPENDENTS. Nothing in this act shall prevent the carriage, storage or handling of property free or at reduced rates for the United States, state, county or municipal governments, or for charitable purposes, or for relief in cases of general epidemic, pestilence or other calamitous visitation, or property to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the national homes or state homes for disabled volunteer soldiers, and of soldiers' and sailors' orphan homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes, or to veterans of the civil war; nothing in this act shall be construed to prevent a common carrier from transporting, storing or handling free or at reduced rates the household goods and personal effects of its employees, or persons entering or leaving its service, and of persons killed or dying while in its service, or exchanging passes or tickets with other railroad companies for their officers and employees; nothing in this act shall prevent the issuance of joint interchangeable mileage tickets, with special privileges as to the amount of free baggage that may be carried under such mileage tickets: provided further, that passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject, however, to such reasonable restrictions as the commission may impose.

[(61-312) 1913, ch. 61, sec. 16a(4), p. 248; am. 1915, ch. 113, sec. 1, subd. 16a(4), p. 259; reen. C.L. 106:57; C.S., sec. 2424; I.C.A., sec. 59-312.]

61-313. SCHEDULE CHARGES ONLY PERMITTED. Except as in this act otherwise provided, no public utility shall charge, demand, collect or receive a greater or lesser or different compensation from any product or commodity furnished or to be furnished or for any service rendered or to be rendered than the rates, tolls, rentals and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified nor extend to any corporation or person any form of contract or agreement or any rule or regulation of any facility or privilege except such as are specified in such schedules and as are regularly and uniformly extended to all corporations and persons: provided, that messages by telephone or cable, subject to the provisions of this act, may be classified by the utility into day, night, repeated, unrepeated, letter, commercial, press, government and such other classes of messages: provided further, that nothing in this chapter shall be construed to prevent telephone and cable companies from entering into contract with common carriers for the exchange of service at rates common to all common carriers of like class.

[(61-313) 1913, ch. 61, sec. 16b, p. 248; reen. 1915, ch. 113, sec. 1, subd. 16b, p. 260; reen. C.L. 106:58; C.S., sec. 2425; I.C.A., sec. 59-313; am. 1984, ch. 106, sec. 1, p. 247; am. 2017, ch. 58, sec. 31, p. 126.]

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

[(61-314) 1913, ch. 61, sec. 17, p. 248; reen. C.L. 106:59; C.S., sec. 2426; I.C.A., sec. 59-314; am. 1984, ch. 106, sec. 2, p. 247.]

61-315. DISCRIMINATION AND PREFERENCE PROHIBITED. No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service. The commission shall have the power to determine any question of fact arising under this section.

[(61-315) 1913, ch. 61, sec. 18, p. 248; reen. C.L. 106:60; C.S., sec. 2427; I.C.A., sec. 59-315.]

61-315A. CERTAIN INVERTED RESIDENTIAL ELECTRICAL RATE STRUCTURES PROHIBITED -- EXPIRATION. All inverted rate structures imposed on residential electric customers which have not been formally approved by the commission prior to July 1, 1981, are hereby prohibited effective July 1, 1982. The prohibition provided herein shall automatically expire July 1, 1984, unless extended by further action of the legislature.

[61-315A, added 1982, ch. 370, sec. 1, p. 929.]

61-316. PROFITS. Nothing in this act shall be taken to prohibit any public utility from itself profiting, to the extent permitted by the commission, from any economies, efficiencies or improvements which it may make, and from distributing by way of dividends or otherwise disposing of the profits to which it may be so entitled, and the commission is authorized to make or permit such arrangement or arrangements with any public utility as it may deem wise for the purpose of encouraging economies, efficiencies, or improvements and securing to the public utility making the same such portion, if any, of the profits thereof, as the commission may determine.

[61-316, added 1913, ch. 61, sec. 19, p. 248; reen. C.L. 106:61; C.S., sec. 2428; I.C.A., sec. 59-316.]

61-317. SLIDING SCALE OF CHARGES -- AUTOMATIC ADJUSTMENT. Nothing in this act shall be taken to prohibit a corporation or person engaged in the production, generation, transmission or furnishing of heat, light, water or power, or telephone service, from establishing a sliding scale of charges: provided, that a schedule showing such scale of charges shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this act shall be taken to prohibit any such corporation or person from entering into an arrangement for a fixed period for the automatic adjustment of charges for heat, light, water or power or telephone service, in relation to the dividends to be paid to stockholders of such corporation, or the profit to be realized by such person: provided, that a schedule showing the scale of charges under such arrangements shall first have been filed with the commission and such schedule and each rate set out therein approved by it. Nothing in this section shall prevent the commission from revoking its approval at any time and fixing other rates and charges for the product or commodity or service, as authorized by this act.

[61-317, added 1913, ch. 61, sec. 20, p. 248; reen. C.L. 106:62; C.S., sec. 2429; I.C.A., sec. 59-317; am. 1984, ch. 106, sec. 3, p. 248.]

61-318. INTERCHANGE OF TRAFFIC -- DUTY OF ESTABLISHING JOINT RATES. Every common carrier shall afford all reasonable, proper and equal facilities for the prompt and efficient interchange and transfer of passengers, tonnage and cars, loaded or empty, between the lines owned, operated, controlled or leased by it, and the lines of every other common carrier, and shall make such interchange and transfer promptly without discrimination between shippers, passengers or carriers either as to compensation charged, service rendered or facilities afforded. Every railroad corporation shall receive from every other railroad corporation at any point of connection, freight cars of

proper standard and in proper condition, and shall haul the same either to destination, if the destination be upon the lines owned, operated or controlled by such railroad corporation, or to a point of transfer according to route billed, if the destination be upon the line of some other railroad corporation.

Nothing in this section contained shall be construed as in any other wise limiting or modifying the duty of a common carrier to establish joint rates, fares and charges for the transportation of passengers and property over the lines owned, operated, controlled or leased by it and the lines of other common carriers nor as in any manner limiting or modifying the power of the commission to require the establishment of such joint rates, fares and charges.

[(61-318) 1913, ch. 61, sec. 21a, p. 248; reen. C.L. 106:63; C.S., sec. 2430; I.C.A., sec. 59-318.]

61-319. INTERCHANGE OF TELEPHONE MESSAGES. Every telephone corporation operating in this state shall receive, transmit, and deliver, without discrimination or delay, the conversations and messages of every other telephone corporation with whose line a physical connection may have been made, or ordered by the commission.

[(61-319) 1913, ch. 61, sec. 21b, p. 248; reen. C.L. 106:64; C.S., sec. 2431; I.C.A., sec. 59-319; am. 1984, ch. 106, sec. 4, p. 248.]

61-320. FALSE BILLING -- TRANSPORTATION AT LESS THAN SCHEDULED RATES PROHIBITED. No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall, by means of known false billing, classification, weight, weighing or report of weight, or by any other device or means, assist, suffer or permit any corporation or person to obtain transportation for any person or property between points within this state at less than the rates and fares then established and in force as shown by the schedules filed and in effect at the time. No person or corporation, or any officer, agent, or employee of a corporation shall, by means of false billing, false or incorrect classification, false weight or weighing, false representation as to contents or substances of a package, or false report or statement of weight, or by any other device or means, whether with or without the consent or connivance of a common carrier or any of its officers, agent or employees, seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor.

[(61-320) 1913, ch. 61, sec. 22a, p. 248; compiled and reen. C.L. 106:65; C.S., sec. 2432; I.C.A., sec. 59-320.]

61-321. FALSE CLAIM FOR DAMAGES. No person or corporation, or any officer, agent or employee of a corporation, shall knowingly, directly or indirectly, by any false statement or representation as to cost or value, or the nature or extent of an injury, or by the use of any false billing, bill of lading, receipt, voucher, roll, accounts, claim, certificate, affidavit or deposition, or upon any false, fictitious or fraudulent statement or entry, obtain or attempt to obtain any allowance, rebate, or payment for damage in connection with or growing out of the transportation of persons or property, or an agreement to transport such persons or property, whether with or without the consent or connivance of a common carrier or any of its officers,

agents or employees; nor shall any common carrier, or any officer, agent or employee thereof, knowingly pay or offer to pay any such allowance, rebate or claim for damage.

[(61-321) 1913, ch. 61, sec. 22b, p. 248; reen. C.L. 106:66; C.S. sec. 2433; I.C.A., sec. 59-321.]

61-322. LONG AND SHORT HAUL. No common carrier subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property for a shorter than for a longer distance over the same route or line in the same direction, within this state, the shorter being included within the longer distance, or charge any greater compensation as through rate than the aggregate to [of] the intermediate rates; but this shall not be construed as authorizing any such common carrier to charge or receive a greater compensation for a shorter than for a longer distance or haul over the same line or route in the same direction. Upon application to the commission such common carrier may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance for the transportation of persons or property, and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of this section.

[(61-322) 1913, ch. 61, sec. 23a, p. 248; reen. C.L. 106:67; C.S., sec. 2434; I.C.A., sec. 59-322.]

61-323. TELEPHONE COMPANIES -- LONG AND SHORT DISTANCE SERVICE. No telephone corporation subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transmission of any long distance message or conversation for a shorter than for a longer distance over the same line or route in the same direction, within this state, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates or tolls subject to the provisions of this act; but this shall not be construed as authorizing any such telephone corporation to charge and receive as great a compensation for a shorter as for a longer distance. Upon the application to the commission a telephone corporation may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance service for the transmission of messages or conversations, and the commission may from time to time prescribe the extent to which such telephone corporation may be relieved from the operation and requirements of this section.

[(61-323) 1913, ch. 61, sec. 23b, p. 248; reen. C.L. 106:68; C.S., sec. 2435; I.C.A., sec. 59-323; am. 1984, ch. 106, sec. 5, p. 248.]

61-324. RAILROADS -- SWITCH CONNECTION. Any railroad company subject to the provisions of this act, upon application of any lateral, branch line of railroad or of any shipper tendering traffic for transportation, shall construct, maintain and operate upon reasonable terms a switch connection with any such lateral, branch line of railroad or private sidetrack, which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety, and will furnish sufficient business to justify the construction and maintenance of the same; and

shall furnish cars for the movement of such traffic to the best of its ability, without discrimination in favor of or against any such shipper.

[(61-324) 1913, ch. 61, sec. 24a, p. 248; reen. C.L. 106:69; C.S., sec. 2436; I.C.A., sec. 59-324.]

61-325. RAILROADS -- SPURS. Under the conditions specified in the proviso in section [61-324](#)[, Idaho Code], every railroad corporation, upon the application of any corporation or person being a shipper or receiver or contemplated shipper or receiver of freight, or when ordered by the commission, shall construct upon its right of way a spur or spurs for the purpose of receiving and delivering freight thereby and shall receive and deliver freight thereby.

[(61-325) 1913, ch. 61, sec. 24b, p. 248; reen. C.L. 106:70; C.S., sec. 2437; I.C.A., sec. 59-325.]

61-326. STREET AND INTERURBAN RAILROADS -- FARES -- TRANSFERS. No street or interurban railroad corporation shall charge, demand, collect or receive more than five cents (5¢) for one (1) continuous ride in the same general direction within the corporate limits of any city or village, except upon a showing before the commission that such greater charge is justified: provided, that until the decision of the commission upon such showing, a street or interurban railroad corporation may continue to demand, collect and receive the fare in effect on January 2, 1913, or at the time the commission acquires as to such corporation the power to fix fares within such city or village. Every street or interurban railroad corporation shall, upon such terms as the commission shall find to be just and reasonable, furnish to its passengers transfers entitling them to one (1) continuous trip in the same general direction over and upon the portions of its lines within the same city or village not reached by the originating car.

[(61-326) 1913, ch. 61, sec. 25, p. 248; reen. C.L. 106:71; C.S., sec. 2438; I.C.A., sec. 59-326.]

61-327. ELECTRIC UTILITY PROPERTY -- ACQUISITION BY CERTAIN PUBLIC AGENCIES PROHIBITED. No title to or interest in any public utility (as such term is defined in [chapter 1, title 61](#), Idaho Code) property located in this state which is used in the generation, transmission, distribution or supply of electric power and energy to the public or any portion thereof, shall be transferred or transferable to, or acquired by, directly or indirectly, by any means or device whatsoever, any government or municipal corporation, quasi-municipal corporation, or governmental or political unit, subdivision or corporation, organized or existing under the laws of any other state; or any person, firm, association, corporation or organization acting as trustee, nominee, agent or representative for, or in concert or arrangement with, any such government or municipal corporation, quasi-municipal corporation, or governmental or political unit, subdivision or corporation; or any company, association, organization or corporation, organized or existing under the laws of this state or any other state, whose issued capital stock, or other evidence of ownership, membership or other interest therein, or in the property thereof, is owned or controlled, directly or indirectly, by any such government or municipal corporation, quasi-municipal corporation, or governmental or political unit, subdivision or corporation; or any

company, association, organization or corporation, organized under the laws of any other state, not coming under or within the definition of an electric public utility or electrical corporation as contained in [chapter 1, title 61](#), Idaho Code, and subject to the jurisdiction, regulation and control of the public utilities commission of the state of Idaho under the public utilities law of this state; provided, nothing herein shall prohibit the transfer of any such property by a public utility to a cooperative electrical corporation organized under the laws of another state, which has among its members mutual nonprofit or cooperative electrical corporations organized under the laws of the state of Idaho and doing business in this state, if such public utility has obtained authorization from the public utilities commission of the state of Idaho pursuant to section [61-328](#), Idaho Code.

[61-327, added 1951, ch. 3, sec. 1, p. 4; am. 1982, ch. 7, sec. 1, p. 10.]

61-328. ELECTRIC UTILITIES -- SALE OF PROPERTY TO BE APPROVED BY COMMISSION. (1) No electric public utility or electrical corporation as defined in [chapter 1, title 61](#), Idaho Code, owning, controlling or operating any property located in this state which is used in the generation, transmission, distribution or supply of electric power and energy to the public or any portion thereof, shall merge, sell, lease, assign or transfer, directly or indirectly, in any manner whatsoever, any such property or interest therein, or the operation, management or control thereof, or any certificate of convenience and necessity or franchise covering the same, except when authorized to do so by order of the public utilities commission.

(2) The electric public utility or electrical corporation shall file a verified application setting forth such facts as the commission shall prescribe or require. The commission shall issue a public notice and shall conduct a public hearing upon the application.

(3) Before authorizing the transaction, the public utilities commission shall find:

- (a) That the transaction is consistent with the public interest;
- (b) That the cost of and rates for supplying service will not be increased by reason of such transaction; and
- (c) That the applicant for such acquisition or transfer has the bona fide intent and financial ability to operate and maintain said property in the public service.

The applicant shall bear the burden of showing that standards listed above have been satisfied.

(4) The commission shall have power to issue said authorization and order as prayed for, or to refuse to issue the same, or to issue such authorization and order with respect only to a part of the property involved. The commission shall include in any authorization or order the conditions required by the director of the department of water resources under section [42-1701](#)(6), Idaho Code. The commission may attach to its authorization and order such other terms and conditions as in its judgment the public convenience and necessity may require.

[61-328, added 1951, ch. 3, sec. 2, p. 4; am. 2000, ch. 224, sec. 2, p. 620.]

61-329. UNLAWFUL TRANSFER OR ACQUISITION -- ESCHEAT. Any such property or interest in property hereafter transferred or acquired in violation

of this act shall escheat to the state of Idaho. The attorney general of the state shall institute proceedings in the district court of any county in which such property, or any portion thereof, is situated, to have such escheat adjudged and decreed. If the property is operating property, the court shall continue the operation thereof under a receiver appointed by and under the control and supervision of the court, pending final determination of the action and the sale and disposition of the property. When the court has entered judgment escheating the property to the state, the court shall thereupon order a sale of the property, or interest therein, in the same manner as prescribed by the laws of the state of Idaho for the sale of real estate under mortgage foreclosure. Out of the proceeds arising from such sale, any valid liens or claims of third parties shall be paid, and the balance shall be paid into the state treasury for the credit of the school fund.

[61-329, added 1951, ch. 3, sec. 3, p. 4.]

61-330. EVASIONS OF ACT -- CONCLUSIVE PRESUMPTIONS. Every conveyance or transfer of property, or any interest therein, in violation of the provisions of this act, whether voluntary or involuntary, or though colorable in form, or if made with the intent or purpose to evade or avoid the provisions of this act, shall be void as to the state, and the property or interest thereby conveyed or transferred, shall escheat to the state as in this act provided. A conclusive presumption that the conveyance or transfer is made with the intent or purpose to evade or avoid the provisions of this act shall arise upon proof of any of the following facts:

a. The purchase, acquisition or taking of the property, or interest therein, in the name of a person or party other than persons or parties referred to in section [61-327](#)[, Idaho Code], if the consideration is paid, guaranteed or otherwise secured, or agreed or understood to be paid, guaranteed or otherwise secured, directly or indirectly, by a government or municipal corporation, quasi-municipal corporation, or governmental or political unit, subdivision or corporation referred to in section [61-327](#)[, Idaho Code].

b. The taking of the property in the name of a company, association, organization or corporation, if the shares of stock therein, or other evidence of ownership, membership or other interest therein, or in the property thereof, held by any government or municipal corporation, quasi-municipal corporation, or governmental or political unit, subdivision or corporation, or any other company, association, organization or corporation, referred to in section [61-327](#)[, Idaho Code], together with such shares or other evidence of ownership, membership or interest held by others but paid for, guaranteed or otherwise secured, directly or indirectly, by any such government or municipal corporation, quasi-municipal corporation, or governmental or political unit, subdivision or corporation, amount to a majority of the issued stock or other evidence of ownership, membership or other interest therein, or in the property thereof.

c. The purchase, acquisition or holding of the majority of the issued stock, or other evidence of ownership, membership or other interest therein, or the voting control of any such stock or other evidence of ownership, membership or interest, either directly or indirectly, by any government or municipal corporation, quasi-municipal corporation, or governmental or political unit, subdivision or corporation, or any other company, association, organization or corporation, referred to in section [61-327](#)[, Idaho Code], in any company, association, organization or corporation now

or hereafter owning, holding or operating any property located in this state which is used in the generation, transmission, distribution or supply of electric power and energy to the public or any portion thereof.

The enumeration in this section of certain presumptions shall not be construed as to preclude other presumptions or inferences that reasonably may be made as to the existence of intent or purpose to evade or avoid the provisions of this act, or escheat as provided for herein.

[61-330, added 1951, ch. 3, sec. 4, p. 4.]

61-331. VIOLATION OF ACT -- CRIMINAL PENALTY. If any person, or two (2) or more persons, act, negotiate, participate, attempt, arrange or conspire to make or effect, or to receive or take, a transfer of any real or personal property used for the purposes specified in section [61-327](#) or section [61-328](#)[, Idaho Code], or of any interest therein, in violation of the prohibitions contained in section [61-327](#)[, Idaho Code,] or of any other provision of this act, each, any or all of such persons, upon conviction thereof, shall be punished by imprisonment in the county jail or state penitentiary not exceeding two (2) years or by a fine not exceeding \$5000, or by both such fine and imprisonment.

[61-331, added 1951, ch. 3, sec. 5, p. 4.]

61-332. PURPOSE OF ELECTRIC SUPPLIER STABILIZATION ACT. (1) This act includes sections [61-332](#) through [61-334C](#), Idaho Code, and shall be referred to herein as "this act" and may be cited and referred to as the "Electric Supplier Stabilization Act."

(2) This act and its amendments are designed to promote harmony among and between electric suppliers furnishing electricity within the state of Idaho, prohibit the "pirating" of consumers of another electric supplier, discourage duplication of electric facilities, actively supervise certain conduct of electric suppliers as it relates to this act, and stabilize the territories and consumers served with electricity by such electric suppliers.

[61-332, added 1970, ch. 141, sec. 2, p. 417; am. 2000, (1st Ex. Sess.) ch. 1, sec. 2, p. 4; repealed and new section added 2000, (1st Ex. Sess.), ch. 1, secs. 13 and 14, p. 9; am. 2001, ch. 29, sec. 3, p. 36.]

61-332A. DEFINITIONS FOR ELECTRIC SUPPLIER STABILIZATION ACT. As used in this act, unless the context requires otherwise:

(1) "Public utility" means an electric utility regulated by the Idaho public utilities commission.

(2) "Cooperative" means a cooperative corporation furnishing electric service in the state of Idaho to its consumer-members who own and operate the cooperative.

(3) "Municipality" means any municipal corporation or quasi-municipal corporation furnishing electric service to the consumers of the municipality in the state of Idaho.

(4) "Electric supplier" means any public utility, cooperative, or municipality supplying or intending to supply electric service to a consumer.

(5) "Electric service" means electricity furnished to an ultimate consumer by an electric supplier.

(6) "Consumer" is any person, firm, corporation, or other entity receiving or intending to receive electric service at a specific service entrance.

(7) "Service entrance" means the location on the consumer's property where the consumer's main disconnect switch, fuses or other disconnect equipment exists, and which are intended to provide the means of cutoff of the supply.

(8) "New service entrance" means a service entrance not previously served with electricity. A change, improvement, replacement, enlargement, or change in location of a service entrance shall not be deemed a "new service entrance" if utilized to serve any service or utilization equipment previously served with electricity from the former service entrance, but for the provisions of this act shall be deemed the former "service entrance." A change in consumer shall not be construed to make an existing service entrance a "new service entrance." A change, enlargement, or other modification of service or utilization equipment served from an existing service entrance shall not be construed to make it a "new service entrance."

(9) "Transmission line," for the purposes of this act, means any electric line of an electric supplier carrying a voltage of sixty-nine (69) KV or more.

(10) "Service line," for the purposes of this act, means any single or multi-phase electric line of an electric supplier used for carrying less than sixty-nine (69) KV and used or capable of use to provide electric service for a consumer.

(11) "Existing service line" means any electric service line in existence at the time of the event in question and constructed to supply a consumer that could be lawfully served by that electric supplier under this act. It shall not mean any service line constructed to obtain an advantage under this act, or to evade its purpose or terms.

(12) "Commission" means the Idaho public utilities commission.

[61-332A, added 1970, ch. 141, sec. 3, p. 417; am. 2000, (1st Ex. Sess.), ch. 1, sec. 3, p. 4; repealed and new section added 2000, (1st Ex. Sess.), secs. 13 and 15, p. 9; am. 2001, ch. 29, sec. 4, p. 37.]

61-332B. ELECTRIC SUPPLIER PROHIBITED FROM SERVING CONSUMERS OR FORMER CONSUMERS OF ANOTHER ELECTRIC SUPPLIER. No electric supplier shall supply or furnish electric service to any electric service entrance that is then or had at any time previously been lawfully connected for electric service to facilities of another electric supplier except as provided in this act.

[61-332B, added 1970, ch. 141, sec. 4, p. 417; am. 2000, (1st Ex. Sess.), ch. 1, sec. 4, p. 5; repealed and new section added 2000, (1st Ex. Sess.), ch. 1, secs. 13 and 16, pp. 9 and 10; am. 2001, ch. 29, sec. 5, p. 38.]

61-332C. PROVISIONS FOR SELECTING ELECTRIC SUPPLIER FOR NEW ELECTRIC SERVICE ENTRANCES. (1) In determining which electric supplier will provide electric service for a new service entrance, the following provisions will govern:

(a) If no electric supplier has an existing service line within one thousand three hundred twenty (1,320) feet of a new service entrance the consumer shall have the right of choice of electric supplier.

(b) If only one (1) electric supplier has an existing service line within one thousand three hundred twenty (1,320) feet of the new service entrance that electric supplier shall have the right to serve the consumer at the new service entrance.

(c) If more than one (1) electric supplier has an existing service line within one thousand three hundred twenty (1,320) feet of the new service entrance the electric supplier whose existing service line is nearest the new service entrance shall have the right to serve the consumer at the new service entrance.

(d) If more than one (1) electric supplier has an existing service line within one thousand three hundred twenty (1,320) feet of the new service entrance and it cannot be determined by proof which service line is nearest the new service entrance, then the consumer or an electric supplier shall petition the commission for an order determining which electric supplier is nearest the new service entrance.

(e) For purposes of this act distances shall mean the exact distance measured using standard land surveying practices as established by the board of professional engineers and land surveyors of the state of Idaho.

(2) No electric supplier shall construct or extend facilities, nor make any electric connections, nor permit any connection to be made from any of its facilities to any new service entrance nor shall it supply electric service to any new service entrance in violation of the provisions of this section, except as ordered by the commission pursuant to this act.

[61-332C, added 1970, ch. 141, sec. 5, p. 417; am. 2000, (1st Ex. Sess.), ch. 1, sec. 5, p. 6; repealed and new section added 2000, (1st Ex. Sess.), ch. 1, secs. 13 and 17, pp. 9 and 11; am. 2001, ch. 29, sec. 6, p. 38.]

61-332D. WHEELING SERVICES. (1) An electric supplier shall not be required to provide wheeling service over its system if such service results in retail wheeling and/or a sham wholesale transaction.

(2) An electric supplier declining to furnish wheeling service pursuant to this section shall petition the commission for review of the electric supplier's action in respect to a request for such service. The commission shall, upon notice and opportunity for hearing, review the electric supplier's action for consistency with the purposes and provisions of this act, and issue an order in accordance with its finding, ordering either that the wheeling service shall, or shall not, be required.

[61-332D, added 2000, (1st Ex. Sess.), ch. 1, sec. 6, p. 7; repealed 2000, (1st Ex. Sess.), ch. 1, sec. 13, p. 9; am. 2001, ch. 29, sec. 7, p. 39.]

61-333. AUTHORIZING CONTRACTS AMONG ELECTRIC SUPPLIERS TO RESOLVE TERRITORIES, CONSUMERS AND TO TRANSFER FACILITIES. (1) Any electric supplier may contract in writing with any other electric supplier for the purpose of allocating territories, consumers, and future consumers between the electric suppliers and designating which territories and consumers are to be served by which contracting electric supplier. The territories and consumers so allocated and designated may include all or any portion of the territories and consumers which are being served by any or all of the contracting electric suppliers at the time the contract is entered into, or

which could be economically served by the then existing facilities of any contracting electric supplier, or by reasonable and economic extensions thereto. All such contracts shall be filed with the commission. The commission shall, after notice and opportunity for hearing, review and approve or reject contracts between cooperatives, between cooperatives and public utilities and between public utilities. The commission shall, after notice and opportunity for hearing, review and approve or reject contracts between municipalities and cooperatives, as well as between municipalities and public utilities, provided however, the commission shall have jurisdiction only over cooperatives and public utilities in such approvals. The commission shall approve such contracts only upon finding that the allocation of territories or consumers is in conformance with the provisions and purposes of this act.

(2) Any electric supplier may also contract in writing with any other electric supplier for the sale, exchange, transfer, or lease of equipment or facilities located within territory which is the subject of any allocation contracted for under subsection (1) of this section and any contract validly entered into and approved by the commission after notice and opportunity for hearing shall be binding and shall be legally enforceable pursuant to this act, or by any other remedy provided by law.

[61-333, added 1970, ch. 141, sec. 7, p. 417; am. 2000, (1st Ex. Sess.), ch. 1, sec. 7, p. 7; repealed and new section added 2000, (1st Ex. Sess.), ch. 1, secs. 13 and 18, pp. 9 and 11; am. 2001, ch. 29, sec. 8, p. 39.]

61-333A. INCREASED AREA -- EXTENSION OF SERVICE PERMITTED. In the event an area hereafter shall be included as a result of incorporation or annexation within the boundaries of a city, town or village, any public utility and any cooperative association organized for the purpose of furnishing electric service to its members or consumers only, furnishing electric service or operating electric facilities in such area prior to such inclusion, shall, unless the municipality acquire such facilities pursuant to section [61-333B](#), Idaho Code, and subject to the provisions of sections [61-332B](#) and [61-332C](#), Idaho Code, have the right to continue and extend the furnishing of electric services in such area, and to utilize public streets, alleys and thoroughfares, or such portion of such annexed area as is designated on the recorded plat for the installation of utilities, for such purpose. Such public utility or cooperative association shall comply with all lawful and reasonable safety requirements and the laws of the state of Idaho and nondiscriminatory ordinances of the city, town or village, as to the manner of constructing and maintaining electrical facilities therein.

[61-333A, added 1963, ch. 269, sec. 2, p. 685; am. 1970, ch. 141, sec. 8, p. 417.]

61-333B. MUNICIPAL CORPORATION RESTRICTED IN SERVING NEW AREA PREVIOUSLY SERVED BY UTILITY OR COOPERATIVE ASSOCIATION -- VOLUNTARY AGREEMENTS -- ELECTION -- APPEALS. In the event the annexing municipality has been furnishing electric service to its residents at the time of such annexation, or thereafter commences the furnishing of such service to its residents, nothing in this chapter shall prevent such municipality from extending its service to the annexed or incorporated area, upon the payment of just compensation, as defined in section [7-711](#), Idaho Code, to such public utility or

cooperative serving such area prior to annexation, for any property, real or personal, including damages to the remainder of the system, if any, of such cooperative or public utility, used in distribution, transmission or supply of electrical energy to such area prior to annexation. As used herein, just compensation shall include consideration of new installations necessarily made between the time of annexation or incorporation and final settlement.

Provided, however, in case the annexed area was previously served by a cooperative association, no extension shall be made by the municipal corporation, except upon the following conditions:

1. Until the terms and conditions of such extension, including just compensation therefor, have been finally determined by voluntary agreement between the annexing municipality and the servicing cooperative association, or

2. In the event that such voluntary agreement cannot be made within ninety (90) days of the date of incorporation or annexation of such territory served by such cooperative association, then the municipal corporation may, if so determined by unanimous vote of its governing body, submit to the qualified electors of such municipality upon a special ballot to be voted upon at the next regular election of such municipality, the question "Shall portions of the .... of ...., Idaho which have heretofore been served electrical energy by .... become a part of the electrical system of the .... of ...., Idaho. Said areas are generally known and described as follows: (Insert description)."

A majority of the votes cast on said special ballot must be in favor of the proposition in order to approve the transaction on the part of the municipal corporation. Further, the cooperative association shall submit either by mail or at an annual or special meeting to its members, at the same time of the municipal election above mentioned, the question of whether or not the board of such cooperative association be authorized to sell to the municipality upon payment of just compensation, to be agreed upon, or if agreement be not reached, upon compensation determined as provided hereinafter. A majority of the votes cast must be in favor of the proposition in order to approve the transaction on the part of the cooperative association. At least 15 days before the vote by the members of the cooperative association, the association shall submit to the municipality a list of members eligible to vote and the municipality is hereby authorized to submit to said members a written statement of the reasons for the transfer to electric service by the municipality.

If agreement cannot be reached upon the amount of just compensation, the matter shall be submitted to the district court of the county wherein the municipality is located pursuant to procedures of [title 10](#), chapter 12, Idaho Code, for this purpose of fixing and determining the amount of just compensation as hereinbefore defined.

The court may appoint not more than two (2) experts to advise the court, and the costs of the action, including fees of such experts, shall be taxed equally to the parties.

Either party may appeal from the decision of the court in the same manner that other appeals are taken therefrom. No transfer of facilities shall be made until the amount of compensation has been finally determined and paid.

[61-333B, added 1963, ch. 269, sec. 3, p. 685.]

61-333C. NONMUNICIPAL SERVICE ORGANIZATIONS PROHIBITED FROM EXTENDING SERVICE. Nothing contained herein shall authorize any cooperative associa-

tion or public utility having transmission lines presently within corporate limits of any municipal corporation, presently engaged in the sale of electrical energy to its citizens, to make any service connections within corporate limits of such municipal corporation from such transmission lines.

[61-333C, added 1963, ch. 269, sec. 4, p. 685.]

61-334. SPECIAL RULES OF INTERPRETATION. Nothing contained in this act shall be construed to:

(1) Grant the commission jurisdiction over cooperatives or municipalities except as authorized in this act.

(2) Apply to controversies between two (2) or more public utilities.

(3) Preclude any electric supplier from extending electric service to its own property or facilities or to another electric supplier for resale, provided any line extension made under this clause shall not be considered in determining the right of electric suppliers to serve new service entrances under section [61-332C](#), Idaho Code.

(4) Abrogate or limit the authority of any municipality under any other statute or law with respect to the municipality providing electricity to the municipality or the consumers of the municipality within the boundaries of the municipality.

[61-334, added 1970, ch. 141 sec. 10, p. 417; am. 2000, (1st Ex. Sess.), ch. 1, sec. 8, p. 7; repealed and new section added 2000, (1st Ex. Sess.), ch. 1, secs. 13 and 19, pp. 9 and 12; am. 2001, ch. 29, sec. 9, p. 40.]

61-334A. REMEDIES FOR VIOLATION OF THIS ACT. (1) Any electric supplier or consumer whose rights under this act shall be violated or threatened with violation may file a complaint with the commission against an electric supplier and any other person responsible for the violation.

(2) After notice and opportunity for hearing, the commission shall make findings of fact and conclusions of law determining whether this act or any orders issued under this act have been violated or threatened to be violated and shall determine whether there is actual or threatened irreparable injury as to the electric supplier or consumer whose rights are violated or threatened with violation as a basis for granting relief.

(3) The relief to be granted under this section for violation of this act shall forbid further acts in violation of such orders, shall order the removal of any electric connections, facilities or equipment that constitute the violation, or a combination thereof necessary to enforce compliance with this act.

[(61-334A) 61-334B, added 1970, ch. 141, sec. 12, p. 417; am. and redesign. 2000, (1st Ex. Sess.). ch. 1, sec. 10, p. 8; repealed and new section added 2000, (1st Ex. Sess.), ch. 1, secs. 13 and 20, pp. 9 and 12; am. and redesign. 2001, ch. 29, sec. 11, p. 40.]

61-334B. COMMISSION SUPERVISION AND AUTHORITY. (1) Upon a petition by an electric supplier or consumer for an exception to the provisions of section [61-332B](#) or [61-332C](#) (1) (a), (b) or (c), Idaho Code, the commission shall issue an order granting such request only upon finding that granting the request is consistent with the purposes of this act as set forth in section [61-332](#), Idaho Code.

(2) The commission shall have power to issue authorizations and orders requested under this act, or to refuse to issue the same, and may attach to any authorization and order as a condition of approval such terms and conditions as it determines are consistent with the purposes and provisions of this act.

(3) In all matters arising under this act, which are submitted to the commission for decision, order or review, the procedure shall be governed by chapters 6 and 7, [title 61](#), Idaho Code, and the commission's rules of procedure. Reconsideration of, appeal from, enforcement of, and stay of orders issued pursuant to this act shall be governed by law as for other orders of the commission in other matters.

[61-334B, added 2000, (1st Ex. Sess.), ch. 1, sec. 11, p. 8; repealed and new section added 2000, (1st Ex. Sess.), ch. 1, secs. 13 and 21, pp. 9 and 12; repealed and new section added 2001, ch. 29, secs. 1 and 12, pp. 36 and 41.]

61-334C. ELECTRIC SUPPLIER IMMUNITY. No action under the Idaho competition act, [chapter 1, title 48](#), Idaho Code, or any other provision or doctrine of law of the state of Idaho shall lie against an electric supplier for action or inaction that is in compliance with the provisions of this act or any commission order issued pursuant to this act.

[61-334C, added 2000, (1st Ex. Sess.), ch. 1, sec. 12, p. 9; repealed 2000, (1st Ex. Sess.), ch. 1, sec. 13, p. 9; repealed and new section added 2001, ch. 29, sec. 13, p. 41.]

61-336. ADDITIONAL AUTHORITIES OF ELECTRICAL OR NATURAL GAS CORPORATIONS. The commission may authorize any public utility that is an electrical or natural gas corporation to file and place into effect schedules establishing rates or charges for energy conservation measures, services or payments provided to individual property owners or customers. Application of the schedule shall be subject to agreement between the public utility and the property owner or customer receiving service at the time the conservation measures, services or payments are initially provided. The schedule may include provisions for the payment of the rates or charges over a period of time and for the application of the payment obligation to successive property owners or customers at the premises where the conservation measures or services were installed or performed or with respect to which the conservation payments were made. The public utility shall record a notice of the payment obligation with the county recorder in the county where the property is located. The commission may prescribe by rule other methods by which the public utility shall notify property owners or customers of any such payment obligation.

[61-336, added 1993, ch. 218, sec. 1, p. 683.]

61-337. FISH AND WILDLIFE MITIGATION INFORMATION. (1) On and after July 1, 2004, each electric utility with one thousand (1,000) customers or more may provide information in its bills to its customers regarding the percentage of the electric utility's costs of supplying electric energy to its customers which is utilized for fish and wildlife mitigation purposes on the electric utility's system.

(2) On and after July 1, 2004, each cooperative and municipality furnishing electric service, as those terms are defined in section [61-332A](#), Idaho Code, (excepting a cooperative that serves less than one thousand (1,000) customers and also serves consumers in other states) may provide information on its bills to its customers of the percentage cost of fish and wildlife mitigation included in the cost of electric energy sold to the cooperative or municipality's customers.

(3) Annually, at a time at the discretion of the utility or entity, a statement shall be posted on the utility's or entity's website detailing to whom and the amount spent on fish and wildlife mitigation by the utility or entity for the most recent fiscal year.

[61-337, added 2004, ch. 161, sec. 1, p. 528.]