



The Commission's Customer Relations Rules for Telephone Corporations (hereinafter the Customer Relations Rules) were last updated in 1995. *Idaho Code* §§ 61-302, 61-502, 61-507, 62-605, 62-615, 62-616 and 62-622 authorize the Commission to promulgate Customer Relations Rules for telephone companies. In this rulemaking the Commission's final changes, as amended, now fall into two principal categories: changes to address concerns about "cramming" (invalid or unclear charges for services other than local exchange services) and certain "housekeeping" changes to reflect its current mailing address, correct typos and stray words, insure consistency, provide clarification and other non-substantive changes. More specifically, to address these cramming problems, the Commission's pending rules provide that regulated local exchange service charges will be paid first, unless the customer requests otherwise. Under the existing rules, partial payments are automatically prorated among all the service providers. This makes it more likely that some customers inadvertently face disconnection for failure to pay disputed charges that are not related to basic local service.

New language is also proposed that prohibits telephone companies from billing for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service, or for other service(s) or merchandise not ordered or otherwise authorized by the customer of record. It further requires telephone companies to remove charges for these services from the customer's bill no later than two billing cycles following notice to the telephone company.

### **FINDINGS**

The Commission finds that the pending rules found in Appendix C are reasonable and will provide consumers with additional protections. The Commission further finds that it is in the public interest for the Commission to adopt these pending rules contingent on legislative review.

### **GENERAL ORDER**

IT IS HEREBY ORDERED that the Commission adopts the pending rules, shown in Appendix C, and orders those be transmitted to the Administrative Rules Coordinator for publication in the December Administrative Bulletin.

THIS IS A FINAL GENERAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. 31-4101-9801 May petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. 31-4101-9801. Within seven (7) days after any person has petitioned for reconsideration,

any other person May cross-petition for reconsideration in response to issues raised in the petition for reconsideration. See section 61-626, Idaho Code.

DONE by ORDER of the Idaho Public Utilities Commission at Boise, Idaho this day of October 1998.

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DENNIS S. HANSEN, PRESIDENT

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RALPH NELSON, COMMISSIONER

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MARSHA H. SMITH, COMMISSIONER

ATTEST:

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Myrna J. Walters  
Commission Secretary

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**IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**

**31.41.01 - TELEPHONE CUSTOMER RELATIONS RULES**

**FOR TELEPHONE CORPORATIONS  
PROVIDING LOCAL EXCHANGE OR INTRASTATE MTS/WATS SERVICE  
IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION BY THE  
IDAHO PUBLIC UTILITIES COMMISSION**

**DOCKET NO. 31-4101-9801**

**NOTICE OF PENDING RULES**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 1999 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1999, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5220(1), Idaho Code, notice is hereby given of the Idaho Public Utilities Commission's adoption of a pending rule. This action is authorized pursuant to the Commission's legal authority under the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code and the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code and the specific authority of Sections 61-302, 61-502, 61-507, 62-605, 62-615, 62-616 and 62-622, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change: The proposed changes fall into four principal categories: changes to address concerns about "cramming" (invalid or unclear charges for services other than local exchange services), "slamming" (unauthorized switching of customers' exchange carriers), held orders, and certain "housekeeping" changes to reflect its current mailing address, correct typos and stray words, insure consistency, and other non-substantive changes. In general, the proposed rules have been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code. Only those proposed rules that have been amended are being republished. To review the original proposed rules, look at the original publication.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the proposed rules, contact Cheri C. Copsey, Deputy Attorney General at (208) 334-0314 or Beverly Barker, Consumer Assistance at (208) 334-0302.

DATED this                    day of October 1998.

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Myrna J. Walters

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Idaho Public Utilities Commission  
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IDAPA 31  
TITLE 41  
Chapter 01

31.41.01 - CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS  
PROVIDING LOCAL EXCHANGE OR INTRASTATE MTS/WATS SERVICE  
IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION  
BY THE IDAHO PUBLIC UTILITIES COMMISSION  
UNDER THE PUBLIC UTILITIES LAW OR  
THE TELECOMMUNICATIONS ACT OF 1988, AS AMENDED  
(THE TELEPHONE CUSTOMER RELATIONS RULES)

005. DEFINITIONS (Rule 5.)

The following definitions are used in this title and chapter: (7-1-93)

01. Applicant. Unless restricted by definition within a rule or a group of rules to a particular class of service, "applicant" means any potential customer who applies for a service from a telephone company. "Applicant" does not include minors not competent to contract. Telephone companies may decline to recognize minors not competent to contract as applicants and may require an adult or minor competent to contract to join a minor not competent to contract as an applicant. (7-1-93)(\_\_\_\_\_)

02. Customer. Unless restricted by definition within a rule or a group of rules to a particular class of service, "customer" means any person who meets the terms outlined in Subsections 005.02. a. through 005.02.c.d. below, and any person contractually or otherwise lawfully authorized to represent such party. If the person selecting, receiving, or canceling service is not the same person as the one assuming responsibility for payment of service, the latter is the customer for purposes of selecting service(s), cancelling services(s), receiving refunds, etc. (7-1-93)(\_\_\_\_\_)

a. Has applied for, (7-1-93)

b. Has been accepted, and (7-1-93)

c. Is currently: (7-1-93)

i. Receiving service from a telephone company; or (7-1-93)

ii. Assuming responsibility for payment of service provided to another or others. (7-1-93)

d. Any person whose service has been temporarily disconnected for non-payment shall continue to be a "customer" for the purposes of these rules until such time as service is permanently disconnected. (\_\_\_\_\_)

03. Good Credit. "Good credit" means payment by a customer for the most recent twelve (12) consecutive month period of all undisputed bills due the telephone company before temporary

or permanent termination of service. (7-1-93)

04. Local Exchange Company (LEC). "Local exchange company" (LEC) is a telephone company providing local exchange service to end-users. "Local exchange company" includes "incumbent telephone corporations," as defined in Section 62-603(6), Idaho Code, and telephone corporations granted a Certificate of Public Convenience and Necessity by the Commission to compete with incumbent telephone corporations. (7-1-93)(\_\_\_\_\_)

~~05. Local Exchange Service. "Local exchange service" means the provision of access lines with the associated transmission of two-way interactive switched voice communications within a local exchange area (including but not limited to connection charges, mileage charges, ETC.), together with services offered by the local exchange company (e.g., call waiting, call forwarding) in conjunction with basic local exchange services as defined in section 62-603(1), Idaho Code.~~ (7-1-93)

065. MTS Company or Interexchange Carrier. "MTS company" or "interexchange carrier" means a telephone company providing MTS service. (7-1-93)

076. Message Telecommunications Service (MTS). "MTS" (commonly known as "long-distance service") means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis as defined in Section 62-603(68), Idaho Code, and wide area telecommunications service (WATS) or its equivalent. (7-1-93)(\_\_\_\_\_)

087. Operator and Directory Assistance Services. Operator and directory assistance services are telephone services that include (but are not limited to) intercept, call completion and assistance, and directory assistance services, whether local, MTS, or both. (7-1-93)

098. Other Services. "Other services" mean all services except local exchange and MTS services provided, billed, or collected by a telephone company. (1-1-95)

109. Residential Telephone Service. "Residential telephone service" means telecommunication service furnished and maintained at a dwelling primarily for personal or domestic purposes and not for business, professional or institutional purposes, i.e., service provided to residential customers as defined in Section 62-603(79), Idaho Code. (7-1-93)(\_\_\_\_\_)

110. Small Business Telephone Service. "Small business telephone service" means telecommunication service furnished to a business or institutional entity, whether an individual, partnership, corporation, association or other business or institutional form, for occupational, professional, or institutional purposes, to customers who do not subscribe to more than five (5) local access lines within a building, i.e., service provided to small business customers as defined in Section 62-603(811), Idaho Code. (7-1-93)(\_\_\_\_\_)

121. Telephone Company. Unless further restricted by definition within a rule or a group of rules, "telephone company" means any entity subject to this Commission's regulation as a provider of telecommunication services to end-users (either local exchange or MTS/WATS) under the Public

Utilities Law (Idaho Code, Title 61, Chapters 1-7) or subject to this Commission's authority under the Telecommunications Act of 1988, as amended, (Idaho Code, Title 62, Chapter 6), except mutual, non-profit or cooperative telephone corporations. ~~(7-1-93)(\_\_\_\_\_)~~

(BREAK IN CONTINUITY OF SECTIONS)

~~102. OTHER DEPOSIT STANDARDS PROHIBITED--RESIDENTIAL CUSTOMERS OF LECS (Rule 102).~~

~~A local exchange company shall not require a deposit or other guarantee as a condition of new or continued residential telephone service based upon residential ownership or location, income level, source of income, employment tenure, nature of occupation, ~~commercial credit records~~, race, creed, sex, age, national origin, marital status, number of dependents, or any other criterion not authorized by these rules. Rules governing deposits shall be applied uniformly. If an applicant for service, either residential or small business, selects a MTS company and arranges to be billed directly by that MTS company, rather than through the LEC, no deposit may be collected by the LEC for MTS services provided by the MTS company. ~~(7-1-93)(\_\_\_\_\_)~~~~

~~103. GUARANTEE IN LIEU OF DEPOSIT--RESIDENTIAL CUSTOMERS OF LECS (Rule 103):~~

~~01. — Guarantor. In lieu of a deposit required by these rules a local exchange company shall accept a written guarantee of payment for a residential account from another residential customer of the local exchange company. An acceptable guarantor must have good credit. ~~(7-1-93)~~~~

~~02. — Guarantee Form. The guarantee form used by each local exchange company must be filed with and approved by this Commission. The guarantee form must state: ~~(7-1-93)~~~~

~~a. The terms of the guarantee, the maximum amount guaranteed, and that the telephone company shall not hold the guarantor liable for sums in excess of that amount; ~~(7-1-93)~~~~

~~b. That the maximum amount guaranteed shall not exceed the amount of the deposit that would have been charged the applicant; and ~~(7-1-93)~~~~

~~c. That the guarantor shall be released from the guarantor's obligation when the customer whose account is guaranteed would be eligible for a return of the customer's deposit if one had been made. ~~(7-1-93)~~~~

~~03. — Period of Guarantee. The minimum guarantee period is thirty (30) days. The guarantee shall remain in full force and effect until five (5) days after the local exchange company's receipt of the guarantor's notice of cancellation of the guarantee agreement. ~~(7-1-93)~~~~

103. RESERVED.

(BREAK IN CONTINUITY OF SECTIONS)

~~205. CUSTOMERS WITH GOOD CREDIT--FINAL BILLS BILLING PROHIBITED (Rule 205).~~

~~When a customer with good credit voluntarily terminates service with the local exchange company, the final bill shall contain or be accompanied by a statement that the customer had good credit with the local exchange company upon the date the statement was issued. When an applicant for service presents such a statement to a local exchange company (whether from one regulated by this Commission or otherwise), the statement constitutes evidence of good credit in the application for service. However, presentation of such a statement will not require the local exchange company to consider the applicant to have good credit solely on the basis of that statement. (7-1-93)~~

No person shall bill or cause another person to bill for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other service(s) or merchandise not ordered or otherwise authorized by the customer of record. Any charges for these services that appear on a customer's bill shall be removed from the customer's bill no later than two (2) billing cycles following notice to the telephone company. Disputed charges must be removed from the customer's bill within two (2) months of when customers notify the company that the customer has been unable to either contact or successfully resolve a dispute with the service or goods provider and that the charge is still in dispute. A telephone company that unknowingly submits a bill containing charges for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other service(s) or merchandise not ordered or otherwise authorized by the customer of record shall not be considered in violation of this rule if the disputed amounts are removed from the customer's bill. (\_\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

207. BILLING FOR OTHER SERVICES (Rule 207).

Telephone company bills for other services shall contain the mailing address(es) or toll-free telephone number(s) available to customers for answering inquiries and resolving complaints about the services billed, sufficient information to readily identify the service provider, the services rendered, the associated specific charges for which the bill is tendered. Notwithstanding any contractual or regulatory provisions to the contrary, no telephone company shall be required to bill its customers on behalf of any person who fails to submit to the telephone company the information necessary to enable it to comply with this rule. (\_\_\_\_\_)

2078 -- 299. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

306. CONTENTS OF NOTICE OF INTENT TO TERMINATE LOCAL EXCHANGE SERVICE (Rule 306).

The written or oral notice of intent to terminate local exchange service required by Rule 304 must state: (1-5-95)

01. Reasons. The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (7-1-93)

02. Actions. Actions the customer may take to avoid termination; (7-1-93)

03. Certificate of Serious Illness or Medical Emergency. That a certificate notifying the local exchange company of a serious illness or medical emergency in the household may delay termination under Rule 308; (1-5-95)

04. Complaint May be Filed. That an informal or formal complaint concerning termination may be filed with the telephone company or the Commission, and that service will not be terminated on grounds relating to the dispute between the customer and telephone company before resolution of the complaint (the Commission's address and telephone number must be given to the customer); ~~and~~ (7-1-93)(\_\_\_\_\_)

05. Telephone Company Willing to Make Payment Arrangements. That the telephone company is willing to make payment arrangements (in a written notice this statement must be in bold print); ~~and~~ (7-1-93)(\_\_\_\_\_)

06. Partial Payments. That for purposes of disconnection, partial payments will be applied toward local exchange service charges first, unless the customer requests otherwise, and that charges for services other than local exchange services cannot be used as a basis for disconnection. (\_\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

312. PAYMENT ARRANGEMENTS (Rule 312).

01. Arrangements Allowed. When a customer cannot pay a bill in full, the telephone company may continue to serve the customer if the customer and the telephone company agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the balance of the outstanding bill will be paid. (7-1-93)

02. Reasonableness. In deciding on the reasonableness of a particular agreement, the telephone company will take into account the customer's ability to pay, the size of the unpaid balance, the customer's payment history and length of service, and the amount of time and reasons why the debt is outstanding. (7-1-93)

03. Application of Payment. Payments are to be applied first to the undisputed balance owed by the customer for local exchange services, and associated installation charges, taxes, and surcharges, unless the customer designates otherwise. ~~A customer may designate how a payment insufficient pay the total balance due shall be applied. In the absence of instructions from the customer, a partial payment to a local exchange company shall be allocated among the providers~~

~~based upon the ratio of the undisputed amount due each service provider to the undisputed total amount billed. Such payments shall be applied first to the oldest undisputed balances.~~

~~(1-1-95)(\_\_\_\_\_)~~

04. Notice of Allocation Procedures. The telephone company shall notify customers of its procedures for allocating partial payments in its annual summary of these rules given pursuant to Rule 602.01 and in its written seven-day notice sent pursuant to Rule 304.01. In discussing or negotiating payment arrangements, the local exchange company shall advise the customer what amount of payment the customer ~~shall~~ must allocate to local exchange service or to MTS service or other services in order to prevent the termination of or restriction of access to those services. If the telephone company successfully contacts the customer pursuant to the requirements of Rule 304.02, the company shall likewise advise the customer of the amounts that the customer must allocate to local exchange service and/or MTS services or other services to avoid termination of those services.

~~(1-1-95)(\_\_\_\_\_)~~

05. Second Arrangement. If a customer fails to make the payment agreed upon by the date that it is due, the telephone company may, but is not obligated to, enter into a second arrangement.

~~(1-1-95)~~

06. When Arrangement Not Binding. No payment arrangement binds a customer if it requires the customer to forego any right provided for in these rules.

~~(1-1-95)~~

~~313. LOCAL EXCHANGE SERVICE NOT DENIED OR TERMINATED FOR BILLS FOR MTS OR OTHER SERVICES (Rule 313):~~

~~01. — Local Exchange Services can be Provided and MTS or Other Services Simultaneously Denied or Terminated. In exchanges where local exchange services can be provided and MTS or other services simultaneously denied or terminated, no telephone company may deny or terminate local exchange service to any customer on the ground that the customer has not paid for MTS or other services.~~

~~(1-1-95)~~

~~02. — Request an Exemption. Any LEC unable to provide local exchange services while denying or terminating MTS or other services may request an exemption from the Commission on an exchange by exchange basis by fully documenting the technical reasons for its inability to comply.~~

~~(1-1-95)~~

313. RESERVED.

(BREAK IN CONTINUITY OF SECTIONS)

401. COMPLAINT TO TELEPHONE COMPANY (Rule 401).

01. Subject Matter. A customer or applicant for service may complain to the telephone company about any deposit or guarantee required as a condition of service, billing, termination of service, quality or availability of service, or any other matter regarding telephone company services, policies or practices for local exchange service, MTS, operator and directory assistance services, or other services. The customer or applicant May request a conference with the telephone company, but this provision does not affect any statute of limitation that might otherwise apply. Complaints to the

telephone company may be made orally or in writing. A complaint is considered filed when received by the telephone company. In making a complaint or request for conference, the customer or applicant shall state the customer's or applicant's name, service address, telephone number and the general nature of the complaint. (7-1-93)

02. Obligations for Billing Disputes. A local exchange company that bills and collects for other entities is responsible for either addressing complaints for all services and merchandise billed or for providing the customer with the mailing address(es) or toll-free telephone numbers so the customer may contact the supplier of services or merchandise billed. If the customer informs the LEC that another company's charge is disputed, the LEC must stop any payment allocations to the disputed charge. The disputed charge must be permanently removed from the LEC's bill no later than two (2) billing cycles following the billing cycle during which the complaint is registered unless the customer agrees to pay the disputed bill prior to that time. (1-1-95)(\_\_\_\_\_)

03. Conference. Upon receiving a complaint or a request for conference, the telephone company shall promptly, thoroughly and completely investigate the complaint, confer with the customer or applicant when requested, and notify the customer or applicant of the results of its investigation and make a good faith attempt to resolve the complaint. The oral or written notification shall advise the customer or applicant that the customer or applicant may request the Commission to review the telephone company's proposed disposition of the complaint. (7-1-93)

04. Service Maintained. The telephone company shall not terminate service based upon the subject matter of the complaint while investigating the complaint or making a good-faith attempt to resolve the complaint. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

404. RESPONSES TO INFORMAL COMPLAINTS (Rule 404).

Within ten (10) business days of receiving notification from the Commission that an informal complaint involving the company has been filed with the Commission, telephone companies must either respond orally or in writing to the Commission. A telephone company will be granted an extension of time to prepare its response if it represents that it is making a good faith effort to resolve the matter in dispute. A full and complete response should be submitted to the Commission no later than thirty (30) days after receipt of notification from the Commission. (\_\_\_\_\_)

4045. -- 500. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

504. -- 600. (RESERVED).

~~603. CHARGES FOR CHANGING PRIMARY INTEREXCHANGE (MTS) COMPANY ACCESS TO EMERGENCY SERVICES (Rule 606).~~

~~If a customer objects to a charge for changing the customer's primary (1+) interexchange (MTS) company, or contends that the customer did not authorize a change in primary the interexchange company, the local exchange company must at the customer's original service provider must be reinstated upon customer request, restore the service of the original primary interexchange company and remove any charges for changing interexchange companies unless the interexchange company requesting the change can show that the customer authorized the change in writing and was informed of the charge for the change in writing. In counties where consolidated emergency communications systems, as defined by Section 31-4802, Idaho Code, are established, the local exchange company shall provide access to those services to all its customers. (7-1-93)(\_\_\_\_\_)~~

(BREAK IN CONTINUITY OF SECTIONS)

606. REMOVING CHARGES FOR IMPROPERLY CHANGING A CUSTOMER'S TELEPHONE COMPANY (Rule 606).

If a customer objects to a charge for changing the customer's telephone company, and contends that the customer did not authorize a change in the telephone company, the customer's original service provider must be reinstated by the customer's local exchange company upon customer request. Any charges for changing telephone companies shall be waived, credited or refunded to the customer but shall be imposed on the telephone company requesting the change unless it can verify the customer authorized the change and was informed of the charge for the change. (\_\_\_\_\_)

607. -- 999. (RESERVED).

IDAPA 31  
TITLE 41  
Chapter 01

31.41.01 - CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS  
PROVIDING LOCAL EXCHANGE OR INTRASTATE MTS/WATS SERVICE  
IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION  
BY THE IDAHO PUBLIC UTILITIES COMMISSION  
UNDER THE PUBLIC UTILITIES LAW OR  
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121. Telephone Company. Unless further restricted by definition within a rule or a group of rules, "telephone company" means any entity subject to this Commission's regulation as a provider of telecommunication services to end-users (either local exchange or MTS/WATS) under the Public

Utilities Law (Idaho Code, Title 61, Chapters 1-7) or subject to this Commission's authority under the Telecommunications Act of 1988, as amended, (Idaho Code, Title 62, Chapter 6), except mutual, non-profit or cooperative telephone corporations. ~~(7-1-93)(\_\_\_\_\_)~~

(BREAK IN CONTINUITY OF SECTIONS)

~~102. OTHER DEPOSIT STANDARDS PROHIBITED--RESIDENTIAL CUSTOMERS OF LECS (Rule 102).~~

~~A local exchange company shall not require a deposit or other guarantee as a condition of new or continued residential telephone service based upon residential ownership or location, income level, source of income, employment tenure, nature of occupation, ~~commercial credit records~~, race, creed, sex, age, national origin, marital status, number of dependents, or any other criterion not authorized by these rules. Rules governing deposits shall be applied uniformly. If an applicant for service, either residential or small business, selects a MTS company and arranges to be billed directly by that MTS company, rather than through the LEC, no deposit may be collected by the LEC for MTS services provided by the MTS company. ~~(7-1-93)(\_\_\_\_\_)~~~~

~~103. GUARANTEE IN LIEU OF DEPOSIT--RESIDENTIAL CUSTOMERS OF LECS (Rule 103):~~

~~01. — Guarantor. In lieu of a deposit required by these rules a local exchange company shall accept a written guarantee of payment for a residential account from another residential customer of the local exchange company. An acceptable guarantor must have good credit. ~~(7-1-93)~~~~

~~02. — Guarantee Form. The guarantee form used by each local exchange company must be filed with and approved by this Commission. The guarantee form must state: ~~(7-1-93)~~~~

~~a. The terms of the guarantee, the maximum amount guaranteed, and that the telephone company shall not hold the guarantor liable for sums in excess of that amount; ~~(7-1-93)~~~~

~~b. That the maximum amount guaranteed shall not exceed the amount of the deposit that would have been charged the applicant; and ~~(7-1-93)~~~~

~~c. That the guarantor shall be released from the guarantor's obligation when the customer whose account is guaranteed would be eligible for a return of the customer's deposit if one had been made. ~~(7-1-93)~~~~

~~03. — Period of Guarantee. The minimum guarantee period is thirty (30) days. The guarantee shall remain in full force and effect until five (5) days after the local exchange company's receipt of the guarantor's notice of cancellation of the guarantee agreement. ~~(7-1-93)~~~~

103. RESERVED.

(BREAK IN CONTINUITY OF SECTIONS)

~~202. DUE DATE OF BILLS--DELINQUENT BILLS (Rule 202).~~

~~01. — Ordinary Due Date. The telephone company may require that bills for service be paid~~

within a specified time after the billing date. Except in cases covered by Rule 305, the minimum specified time after the billing date is fifteen (15) days (or twelve (12) days after mailing or delivery, if bills are mailed or delivered more than three (3) days after the billing date). Upon the expiration of this time without payment, the bill may be considered delinquent. (7-1-93)(\_\_\_\_\_)

~~02. — Hardship Exemption. When a residential customer certifies to a telephone company in writing that payment by the ordinary due date of Subsections 202.01 creates a hardship due to the particular date when the customer normally receives funds, the due date shall be extended up to an additional fifteen (15) days or the customer shall be billed in a cycle that corresponds to the customer's receipt of funds. (7-1-93)~~

(BREAK IN CONTINUITY OF SECTIONS)

~~205. CUSTOMERS WITH GOOD CREDIT--FINAL BILLS BILLING PROHIBITED (Rule 205).~~

~~When a customer with good credit voluntarily terminates service with the local exchange company, the final bill shall contain or be accompanied by a statement that the customer had good credit with the local exchange company upon the date the statement was issued. When an applicant for service presents such a statement to a local exchange company (whether from one regulated by this Commission or otherwise), the statement constitutes evidence of good credit in the application for service. However, presentation of such a statement will not require the local exchange company to consider the applicant to have good credit solely on the basis of that statement. (7-1-93)~~

No person shall bill or cause another person to bill for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other service(s) or merchandise not ordered or otherwise authorized by the customer of record. Any charges for these services that appear on a customer's bill shall be removed from the customer's bill no later than two (2) billing cycles following notice to the telephone company. Disputed charges must be removed from the customer's bill within two (2) months of when customers notify the company that the customer has been unable to either contact or successfully resolve a dispute with the service or goods provider and that the charge is still in dispute. A telephone company that unknowingly submits a bill containing charges for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other service(s) or merchandise not ordered or otherwise authorized by the customer of record shall not be considered in violation of this rule if the disputed amounts are removed from the customer's bill. (\_\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

207. BILLING FOR OTHER SERVICES (Rule 207).

Telephone company bills for other services shall contain the mailing address(es) or toll-free telephone number(s) available to customers for answering inquiries and resolving complaints about the services billed, sufficient information to readily identify the service provider, the services rendered, the associated specific charges for which the bill is tendered. Notwithstanding any contractual or regulatory provisions to the contrary, no telephone company shall be required to bill its customers on behalf of any person who fails to submit to the telephone company the information necessary to enable it to comply with this rule. (\_\_\_\_\_)

2078 -- 299. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

~~300. FURTHER DEFINITIONS (Rule 300).~~

~~As used in Rules 301 through 314: (7-1-93)~~

~~01. Applicant. "Applicant" does not include unemancipated minors. Telephone companies may decline to recognize unemancipated minors as applicants and may require an adult or emancipated minor to join an unemancipated minor as an applicant. (7-1-93)~~

~~02. IntraLATA MTS. "IntraLATA MTS" means MTS wholly within (a) one of the Local Access and Transport Areas (LATAs) established for Bell operating companies by federal antitrust decree or (b) the local marketing area for the GTE operating companies established by federal antitrust decree. The three areas in Idaho for intraLATA MTS are (approximately) southern Idaho (historically served by Mountain Bell, now known as U S WEST Communications, and directly connected independent telephone companies), the lower Clearwater drainage (historically served by Pacific Northwest Bell, now known as U S WEST Communications, and directly connected independent telephone companies), and northern Idaho (historically served by General Telephone of the Northwest, now known as GTE Northwest and directly connected independent telephone companies). (1-1-95)~~

300. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

304. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF LOCAL EXCHANGE--ORDINARY CIRCUMSTANCES (Rule 304).

01. Seven -Day Notice. If the telephone company intends to terminate local exchange service under Rule 302, it must send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. This written notice must contain the information required by Rule 306. This seven-day notice does not apply under the conditions described in Rule 304.04. (1-1-95)

02. Twenty-Four (24) Hour Notice. At least twenty-four (24) hours before actual termination, the telephone company must diligently attempt to contact the customer affected to apprise the customer of the proposed action and steps to take to avoid or delay termination. This oral notice must contain the same information required by Rule 306. The twenty-four (24) hour notice does not apply under the conditions described in Rule 304.04. (7-1-93)(\_\_\_\_\_)

03. Additional Notice. If local exchange service is not terminated within seven (7) calendar days after the proposed termination date and the matter is not the subject of a pending complaint before this Commission, or other arrangements have not been made with the customer, the telephone company shall again make a diligent effort to contact the customer to advise the customer of the proposed action. If the telephone company has not terminated service within twenty-eight (28) days of mailing a written notice of termination, the telephone company must again issue a written notice

under Rule 304.01 if it still intends to terminate service. Actual termination is prohibited until a minimum of twenty-four (24) hours after notice or the diligent attempt to notify. (1-1-95)

04. Failure to Pay--Payment with Dishonored Check. The requirement of seven (7) days' written notice does not apply ~~when~~if the customer has been provided with a seven (7) day notice within the past twenty-eight (28) days and: (7-1-93)(\_\_\_\_\_)

a. The customer does not make ~~an initial payment according to a payment arrangement or makes the initial payment a payment in accordance with a dishonored check an agreed to payment arrangement;~~ or (7-1-93)(\_\_\_\_\_)

b. The customer ~~avoids termination that would otherwise take place by tendering tenders~~ payment with a dishonored check. ~~In either case the telephone company must make a diligent effort to contact the customer to apprise the customer of the proposed action, and actual termination is prohibited until a minimum of twenty-four (24) hours after notice or the diligent attempt to notify. Further twenty-four (24) hour notices need not be given if the customer has been provided with a twenty-four (24) hour notice in the past seven (7) days.~~ (7-1-93)(\_\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

306. CONTENTS OF NOTICE OF INTENT TO TERMINATE LOCAL EXCHANGE SERVICE (Rule 306).

The written or oral notice of intent to terminate local exchange service required by Rule 304 must state: (1-5-95)

01. Reasons. The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (7-1-93)

02. Actions. Actions the customer may take to avoid termination; (7-1-93)

03. Certificate of Serious Illness or Medical Emergency. That a certificate notifying the local exchange company of a serious illness or medical emergency in the household may delay termination under Rule 308; (1-5-95)

04. Complaint May be Filed. That an informal or formal complaint concerning termination may be filed with the telephone company or the Commission, and that service will not be terminated on grounds relating to the dispute between the customer and telephone company before resolution of the complaint (the Commission's address and telephone number must be given to the customer); ~~and~~ (7-1-93)(\_\_\_\_\_)

05. Telephone Company Willing to Make Payment Arrangements. That the telephone company is willing to make payment arrangements (in a written notice this statement must be in bold print); ~~and~~ (7-1-93)(\_\_\_\_\_)

06. Partial Payments. That for purposes of disconnection, partial payments will be applied toward local exchange service charges first, unless the customer requests otherwise, and that charges

for services other than local exchange services cannot be used as a basis for disconnection. (\_\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

310. INSUFFICIENT GROUNDS FOR TERMINATION OF LOCAL EXCHANGE SERVICE (Rule 310).

No customer shall be given notice of termination of local exchange services nor shall the customer's local exchange service be terminated if: (1-1-95)

01. ~~Less than Fifty Dollars (\$50) or Less than Two (2) Months.~~ The customer's unpaid bill cited as grounds for termination is less than fifty (\$50) dollars ~~or less than two (2) months' charges for local exchange service, whichever is less.~~ (1-1-95)(\_\_\_\_\_)

02. Telephone Service to any Other Customer or Former Customer. The unpaid bill cited as grounds for termination is for telephone service to any other customer or former customer (unless that customer has a legal obligation to pay the other bill) or for any other class of service. (1-1-95)

03. Results from the Purchase of MTS and Other Services. The unpaid bill cited as grounds for termination of service results from the purchase of MTS and other services, including but not limited to: (1-1-95)

a. Directory advertising; (1-1-95)

b. Information services, operator services or other services not provided by local exchange companies; (1-1-95)

c. Leased or purchased customer premises equipment or other merchandise; or (1-1-95)

d. Inside wire maintenance. (See Rule 313). (1-1-95)

~~04. The reason for termination is the customer's failure to pay a written guarantee as provided in Rule 103.~~ (1-1-95)

054. Other Person has an Unpaid Balance for Service. The customer lives at a residence where another person lives and the other person has an unpaid balance for service, except when the customer has a legal obligation to pay the other persons's bill. (1-1-95)

(BREAK IN CONTINUITY OF SECTIONS)

312. PAYMENT ARRANGEMENTS (Rule 312).

01. Arrangements Allowed. When a customer cannot pay a bill in full, the telephone company may continue to serve the customer if the customer and the telephone company agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the

balance of the outstanding bill will be paid. (7-1-93)

02. Reasonableness. In deciding on the reasonableness of a particular agreement, the telephone company will take into account the customer's ability to pay, the size of the unpaid balance, the customer's payment history and length of service, and the amount of time and reasons why the debt is outstanding. (7-1-93)

03. Application of Payment. Payments are to be applied first to the undisputed balance owed by the customer for local exchange services, and associated installation charges, taxes, and surcharges, unless the customer designates otherwise. ~~A customer may designate how a payment insufficient to pay the the total balance due shall be applied. In the absence of instructions from the customer, a partial payment to a local exchange company shall be allocated among the providers based upon the ratio of the undisputed amount due each service provider to the undisputed total amount billed. Such payments shall be applied first to the oldest undisputed balances.~~ (1-1-95)(\_\_\_\_\_)

04. Notice of Allocation Procedures. The telephone company shall notify customers of its procedures for allocating partial payments in its annual summary of these rules given pursuant to Rule 602.01 and in its written seven-day notice sent pursuant to Rule 304.01. In discussing or negotiating payment arrangements, the local exchange company shall advise the customer what amount of payment the customer ~~shall~~ must allocate to local exchange service or to MTS service or other services in order to prevent the termination of or restriction of access to those services. If the telephone company successfully contacts the customer pursuant to the requirements of Rule 304.02, the company shall likewise advise the customer of the amounts that the customer must allocate to local exchange service and/or MTS services or other services to avoid termination of those services. (1-1-95)(\_\_\_\_\_)

05. Second Arrangement. If a customer fails to make the payment agreed upon by the date that it is due, the telephone company may, but is not obligated to, enter into a second arrangement. (1-1-95)

06. When Arrangement Not Binding. No payment arrangement binds a customer if it requires the customer to forego any right provided for in these rules. (1-1-95)

~~313: LOCAL EXCHANGE SERVICE NOT DENIED OR TERMINATED FOR BILLS FOR MTS OR OTHER SERVICES (Rule 313):~~

~~01. — Local Exchange Service can be Provided and MTS or Other Services Simultaneously Denied or Terminated. In exchanges where local exchange services can be provided and MTS or other services simultaneously denied or terminated, no telephone company may deny or terminate local exchange service to any customer on the ground that the customer has not paid for MTS or other services.~~ (1-1-95)

~~02. — Request an Extension. Any LEC unable to provide local exchange services while denying or terminating MTS or other services may request an exemption from the Commission on an exchange by exchange basis by fully documenting the technical reasons for its inability to comply.~~ (1-1-95)

313. RESERVED.

314. DENIAL, RESTRICTION, ~~AND~~ MODIFICATION OR TERMINATION OF MTS OR OTHER SERVICES (Rule 314).

01. Compliance. Telephone companies providing MTS or other services must comply with Rules 301, 303, 311.03 and 311.04, and 312 in connection with denial, restriction, modification or termination of those services. Telephone companies providing MTS or other services must provide reasonable notice before terminating or restricting access to such services, except as provided by Rule 303. Telephone companies providing MTS must provide reasonable notice before modifying a customer's existing service. Nothing in this rule abrogates customers' rights under those telephone companies' tariffs or filings, written agreements with customer, or obligations otherwise imposed by statutory or common law. (1-1-95)(\_\_\_\_\_)

02. Result of Customer's Failure to Pay. A customer's failure to pay for undisputed MTS charges billed by the local exchange company may result in loss of 0+ or 0- and 1+ dialing access to MTS services until such time as the customer pays the undisputed charges and applicable reconnection charges, if any. (1-1-95)

03. Loss of Service. Customer failure to pay undisputed charges for other services may result in loss of those services. (1-1-95)

(BREAK IN CONTINUITY OF SECTIONS)

401. COMPLAINT TO TELEPHONE COMPANY (Rule 401).

01. Subject Matter. A customer or applicant for service may complain to the telephone company about any deposit or guarantee required as a condition of service, billing, termination of service, quality or availability of service, or any other matter regarding telephone company services, policies or practices for local exchange service, MTS, operator and directory assistance services, or other services. The customer or applicant may request a conference with the telephone company, but this provision does not affect any statute of limitation that might otherwise apply. Complaints to the telephone company may be made orally or in writing. A complaint is considered filed when received by the telephone company. In making a complaint or request for conference, the customer or applicant shall state the customer's or applicant's name, service address, telephone number and the general nature of the complaint. (7-1-93)

02. Obligations for Billing Disputes. A local exchange company that bills and collects for other entities is responsible for either addressing complaints for all services and merchandise billed or for providing the customer with the mailing address(es) or toll-free telephone numbers so the customer may contact the supplier of services or merchandise billed. If the customer informs the LEC that another company's charge is disputed, the LEC must stop any payment allocations to the disputed charge. The disputed charge must be permanently removed from the LEC's bill no later than two (2) billing cycles following the billing cycle during which the complaint is registered unless the customer agrees to pay the disputed bill prior to that time. (1-1-95)(\_\_\_\_\_)

03. Conference. Upon receiving a complaint or a request for conference, the telephone company shall promptly, thoroughly and completely investigate the complaint, confer with the customer or applicant when requested, and notify the customer or applicant of the results of its investigation and make a good faith attempt to resolve the complaint. The oral or written notification shall advise the customer or applicant that the customer or applicant may request the Commission to review the telephone company's proposed disposition of the complaint. (7-1-93)

04. Service Maintained. The telephone company shall not terminate service based upon the subject matter of the complaint while investigating the complaint or making a good-faith attempt to resolve the complaint. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

404. RESPONSES TO INFORMAL COMPLAINTS (Rule 404).

Within ten (10) business days of receiving notification from the Commission that an informal complaint involving the company has been filed with the Commission, telephone companies must either respond orally or in writing to the Commission. A telephone company will be granted an extension of time to prepare its response if it represents that it is making a good faith effort to resolve the matter in dispute. A full and complete response should be submitted to the Commission no later than thirty (30) days after receipt of notification from the Commission. (\_\_\_\_\_)

4045. -- 500. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

503. REPAIR SERVICE STANDARDS (Rule 503).

01. Restoration of Service. When a telephone company providing local exchange service pursuant to Title 61, Idaho Code, is informed by a customer of a service outage as described in Rule 501.02, the telephone company must: (7-1-93)

a. Restore service within sixteen (16) hours after the report of the outage if the customer notifies the telephone company that the service outage creates an emergency for the customer; or (7-1-93)

b. Restore service within twenty-four (24) hours after the report of the outage if no emergency exists, except that outages reported between noon on Saturday and 6:00 p.m. on the following Sunday must be restored within forty-eight (48) hours or by 6:00 p.m. on the following Monday, which ever is sooner. If the telephone company does not restore service within the times required by this subsection the telephone company must credit the customer's account for an amount equal to the monthly rate for one (1) month of basic local exchange service. (7-1-93)

02. Extenuating Circumstances. Following disruption of telephone service caused by natural disaster or other causes not within the telephone company's control and affecting large groups of customers, or in conditions where the personal safety of an ~~employee~~ ~~repair technician~~ would be jeopardized, the telephone company is not required to provide the credit referred to in Subsection 503.01 as long as it uses reasonable judgment and diligence to restore service, giving due regard for the needs of various customers and the requirements of the telecommunications service priority (TSP) program ordered in FCC Docket 88-341 (47 C.F.R. Part 64 Appendix A). When a customer causes the customer's own service outage or does not make a reasonable effort to arrange a repair visit within the service ~~restoral~~ restoration deadline, or when the telephone company determines that the outage is attributable to the customer's own equipment or inside wire, the telephone company is not required to provide to that customer the credit referred to in Subsection 503.01.

(7-1-93)(\_\_\_\_\_)

03. Compliance Standard. Each month ~~At~~ least ninety percent (90%) of out-of-service trouble reports shall be cleared in accordance with Subsections 503.01 and 503.02. The telephone company shall keep a monthly service record as described in Subsection 502.01 and shall notify the Commission whenever the record indicates the ninety percent (90%) level has not been met for a period of three (3) consecutive months. (7-1-93)(\_\_\_\_\_)

504. -- 600. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

~~603. CHARGES FOR CHANGING PRIMARY INTEREXCHANGE (MTS) COMPANY ACCESS TO EMERGENCY SERVICES~~ (Rule 606).

~~If a customer objects to a charge for changing the customer's primary (1+) interexchange (MTS) company, or contends that the customer did not authorize a change in primary the interexchange company, the local exchange company must at the customer's original service provider must be reinstated upon customer request, restore the service of the original primary interexchange~~

~~company and remove any charges for changing interexchange companies unless the interexchange company requesting the change can show that the customer authorized the change in writing and was informed of the charge for the change in writing. In counties where consolidated emergency communications systems, as defined by Section 31-4802, Idaho Code, are established, the local exchange company shall provide access to those services to all its customers. (7-1-93)(\_\_\_\_\_)~~

(BREAK IN CONTINUITY OF SECTIONS)

606. REMOVING CHARGES FOR IMPROPERLY CHANGING A CUSTOMER'S TELEPHONE COMPANY (Rule 606).

If a customer objects to a charge for changing the customer's telephone company, and contends that the customer did not authorize a change in the telephone company, the customer's original service provider must be reinstated by the customer's local exchange company upon customer request. Any charges for changing telephone companies shall be waived, credited or refunded to the customer but shall be imposed on the telephone company requesting the change unless it can verify the customer authorized the change and was informed of the charge for the change. (\_\_\_\_\_)

607. -- 999. (RESERVED).